#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | **Planning & Development** ONLY STAPLED | **DIVISION TO DOCUMENTS Planning & Zoning COMMITTEE: September 13, 2022** DATE **PUBLIC SESSION: September 13, 2022 DATE** ITEM (CHECK ONE) REQUEST FOR PUBLIC HEARING X RESOLUTION ORDINANCE ITEM DESCRIPTION: Resolution approving the physical closure of Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave., known as case number SAC 22-3 **CASE NUMBER:** SAC 22-3 LOCATION: Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave. **COUNCIL DISTRICTS:** District 6 and Super District 8 **APPLICANT:** KRN Development, LLC **REPRESENTATIVE:** Brenda Basar of Solomito Land Planning **REQUEST:** Physical closure of right-of-way AREA: 0.3 acres **RECOMMENDATION:** The Division of Planning and Development recommended: Approval with conditions The Land Use Control Board recommended: Approval with conditions **PUBLIC HEARING: Public Hearing Not Required PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED July 14, 2022 **DATE** (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** PRINCIPAL PLANNER **DEPUTY ADMINISTRATOR ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) **COMPTROLLER** FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



# Memphis City Council Summary Sheet

## **SAC 22-3**

# RESOLUTION APPROVING THE PHYSICAL CLOSURE OF HADDEN ST. BETWEEN S. B.B. KING BLVD. AND E. G.E. PATTERSON AVE., KNOWN AS CASE NUMBER SAC 22-3

- This item is a resolution to allow the above with conditions; and
- This item may require a new public improvement contract.

## LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, July 14, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 22-3

**LOCATION:** Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave.

**COUNCIL DISTRICT:** District 6 and Super District 8

APPLICANT: KRN Development, LLC

**REPRESENTATIVE:** Brenda Basar of Solomito Land Planning

**REQUEST:** Physical closure of right-of-way

AREA: 0.3 acres

**EXISTING ZONING:** South Main

The following spoke in support of the application: Brenda Solomito Basar

The following spoke in opposition to the application: Ibrahim Yasin

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application, subject to the following conditions.

The motion passed by a unanimous vote of 7-0.

#### **Recommended Conditions:**

- 1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and streetscape across the closure in coordination with the site plan approval process of adjacent development. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure to the satisfaction of the City Engineer and at the applicant's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.
- 4. Access easements shall be provided guaranteeing vehicular access and pedestrian access, where appropriate, subject to administrative approval.
- 5. The parcel to the east of the closed right-of-way shall be responsible for the maintenance of any land overlaid with an access easement in perpetuity.

#### RESOLUTION

RESOLUTION APPROVING THE PHYSICAL CLOSURE OF HADDEN ST. BETWEEN S. B.B. KING BLVD. AND E. G.E. PATTERSON AVE., KNOWN AS CASE NUMBER SAC 22-3

**WHEREAS**, the City of Memphis is the owner of real property known as Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave. in Memphis, Tennessee, and being more particularly described as follows:

#### Parcel A

Commencing at the intersection of the North ROW of G.E. Patterson Avenue and the West ROW of Hadden Street to the point of beginning; thence N 4°30′17″E along said West ROW a distance of 120.01′; thence S85°29′15″E a distance of 22.50′ to a point at the centerline of Hadden Street; thence S 4°30′45″W a distance of 119.77′ to a point; thence N 86°05′45″W along the North ROW of G.E. Patterson Avenue a distance of 22.49′ to the point of beginning containing 2,696 sq. ft. more or less.

#### Parcel B

Commencing at the intersection of the South ROW of Butler Avenue and the West ROW of South Third Street; thence S 4°04′05″E along said West ROW a distance of 63.21′ to the point of beginning; thence S25°36′43″E along said West ROW a distance of 103.59′ to a point; Thence N 85°01′45″W a distance of 7.08′ to a point; thence S 4°30′17″W along the East ROW of Hadden Street a distance of 246.75′ to a point; thence N 86°05′45″W a distance of 22.50′ to a point in centerline of the ROW of Hadden Street; thence N4°30′45″E along said centerline a distance of 119.77′; thence N 85°29′15″W a distance of 22.50′ to a point; thence N 4°31′42″E along said West ROW of Hadden Street a distance of 216.76′ to the point of beginning containing 10,738 sq. ft. more or less.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owners; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on July 14, 2022, and said Board has submitted its recommendation to the Council of the City of Memphis;

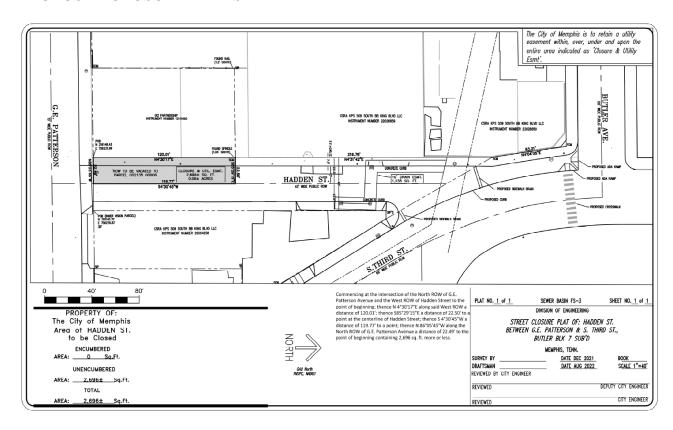
**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that the above-described public right-of-way be and is hereby closed for public use, subject to the following conditions:

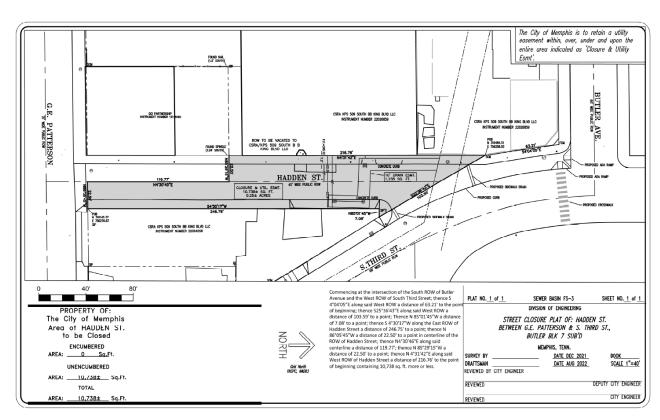
- Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and streetscape across the closure in coordination with the site plan approval process of adjacent development. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure to the satisfaction of the City Engineer and at the applicant's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.
- 4. Access easements shall be provided guaranteeing vehicular access and pedestrian access, where appropriate, subject to administrative approval.
- 5. The parcel to the east of the closed right-of-way shall be responsible for the maintenance of any land overlaid with an access easement in perpetuity.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute all Quitclaim Deeds to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

#### PROPOSED CLOSURE PLATS





# dpd STAFF REPORT

AGENDA ITEM: 12

CASE NUMBER: SAC 22-3 L.U.C.B. MEETING: 14 July 2022

**LOCATION:** Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave.

**COUNCIL DISTRICT:** District 6 and Super District 8

APPLICANT: KRN Development, LLC

**REPRESENTATIVE:** Brenda Basar of Solomito Land Planning

**REQUEST:** Physical closure of right-of-way

AREA: 0.3 acres

**EXISTING ZONING:** South Main

# **CONCLUSIONS (p. 15)**

- 1. KRN Development, LLC, has requested the physical closure of Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave. As proposed, the northern portion of the land would become a plaza and the southern portion a driveway.
- 2. If approved, the closed right-of-way would become a plaza connecting two mixed-use developments collectively known as Butler Row. The southern portion would become a driveway serving an existing structure that currently utilizes Hadden for access to its parking area.
- 3. Staff finds that the requested closure would augment vehicular safety by discouraging drivers from traveling the wrong way down S. B.B. King and contribute to the design goals of adjacent development without impairing connectivity.

#### **CONSISTENCY WITH MEMPHIS 3.0**

The Department of Comprehensive Planning did not comment on this request.

## **RECOMMENDATION (p. 16)**

Approval with conditions

Staff Writer: Brett Davis E-mail: brett.davis@memphistn.gov

Staff Report 14 July 2022 SAC 22-3 Page 2

#### **GENERAL INFORMATION**

**Zoning Atlas Page:** 2025

#### **PUBLIC NOTICE**

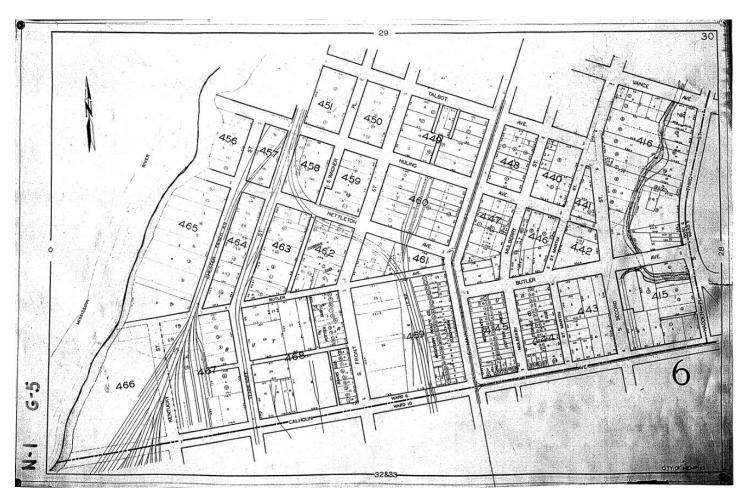
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notice of public hearing is required to be mailed and posted. 30 letters were mailed on 29 June 2022, and two signs posted at both ends of the subject right-of-way. The sign affidavit has been added to this report.

## **LOCATION MAP**



Subject right-of-way located in South Main neighborhood

# **CITY BLOCK MAP (UNDATED)**



Subject property located east of City Block 415, according to this undated map.

Because the original dedication instrument was not found, the right-of-way, if closed, would be deeded in equal parts to property owners on either side.

# **VICINITY MAP**

# **Vicinity Map**

- 509 S. B.B. King Blvd.
  National Civil Rights Museum
  South Main District
  Central Station
  Malco Movie Theatre + Farmer's Market.
- Malco Movie Theatre + Farmer's Tom Lee Park Wiseacre Brewery (not shown) Orpheum Theatre Clayborn Temple FedEx Forum Beale Street



# **AERIAL PHOTO**

## Context

- 509 S. B.B. King Blvd.
- National Civil Rights Museum Central BBQ Army Park Navy Park

- Renee's Sandwich Shop United States Post Office Wiseacre Brewery (not shown)



# **ZONING MAP**



**Existing Zoning:** South Main

**Surrounding Zoning** 

**North:** South Main

East: South Main

**South:** Bluffview

West: South Main

## **LAND USE MAP**



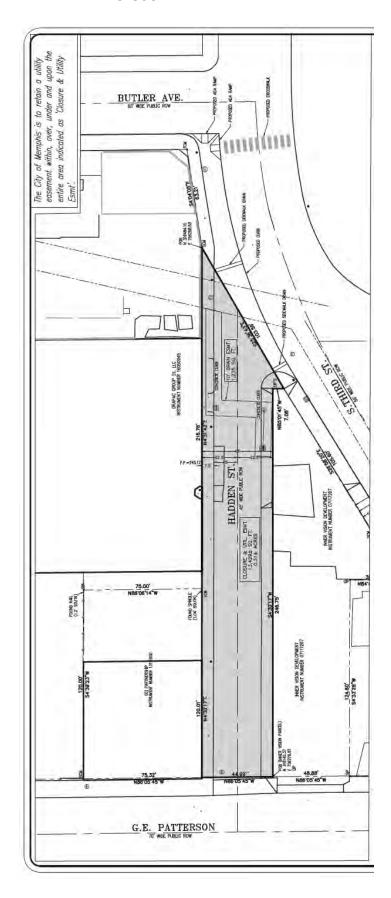
- COMMON AREA LAND
- SINGLE-FAMILY
- MULTI-FAMILY
- INSTITUTIONAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL
- PARKING
- RECREATION/OPEN SPACE
- VACANT

# **SITE PHOTO**



Ground View Facing North on Hadden St.

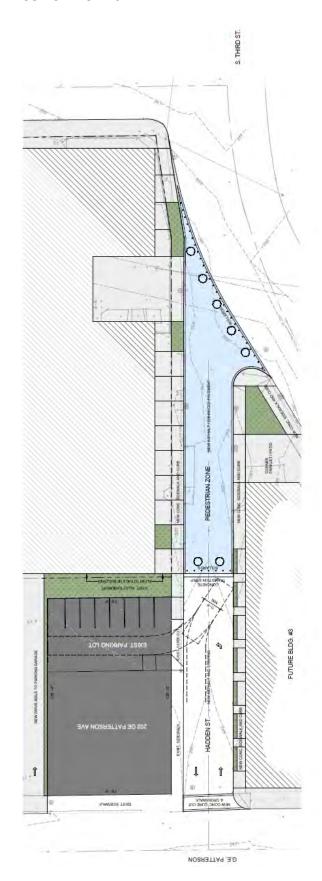
## **PRELIMINARY CLOSURE PLAN**



#### **LEGAL DESCRIPTION**

Commencing at the intersection of the South ROW of Butler Avenue and the West ROW of South Third Street; thence S 4°04′05″E along said West ROW a distance of 63.21′ to the point of beginning; thence S25°36′43″E along said West ROW a distance of 103.59′ to a point; Thence N 85°01′45″W a distance of 7.08′ to a point; thence S 4°30′17″W along the East ROW of Hadden Street a distance of 246.75′ to a point; thence N 86°05′45″W a distance of 44.99′ to a point in the West ROW of Hadden Street; thence N4°30′17″E along said West ROW a distance of 120.01′; thence N 4°31′42″E along said West ROW a distance of 216.76′ to the point of beginning containing 13,429 sq. ft. more or less.

# **CONCEPTUAL SITE PLAN**



## **CONCEPTUAL SITE PLAN OF ADJACENT DEVELOPMENTS**



#### **CONCEPTUAL RENDERING**



The conversion of Hadden Street from a public right-of-way to a private street serves to limit vehicular access that currently creates unsafe conditions for pedestrians and automobiles alike. The closure and installation of safety features will enhance pedestrian safety, walkability, and community through the creation of an outdoor plaza open to the public.

#### STAFF ANALYSIS

#### **Request and Reason**

The request is the physical closure of Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave. As proposed, the northern portion of the land would become a plaza and the southern portion a driveway.

The application form and letter of intent have been added to this report.

#### **Zoning History**

In 1995, the Memphis City Council approved a closure (SAC 92-2) of the subject right-of-way. The approval expired and the right-of-way remained open.

In 2022, the Memphis and Shelby County Board of Adjustment approved two variances (BOA 21-159 and BOA 22-24) increasing the number of permitted dwelling units in mixed-use developments on either side of the subject right-of-way. If approved, this closure would connect the two projects.

#### **Conclusions**

KRN Development, LLC, has requested the physical closure of Hadden St. between S. B.B. King Blvd. and E. G.E. Patterson Ave. As proposed, the northern portion of the land would become a plaza and the southern portion a driveway.

If approved, the closed right-of-way would become a plaza connecting two mixed-use developments collectively known as Butler Row. The southern portion would become a driveway serving an existing structure that currently utilizes Hadden for access to its parking area.

Staff finds that the requested closure would augment vehicular safety by discouraging drivers from traveling the wrong way down S. B.B. King and contribute to the design goals of adjacent development without impairing connectivity.

#### **RECOMMENDATION**

Staff recommends *approval* with the following conditions:

- 1. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and streetscape across the closure in coordination with the site plan approval process of adjacent development. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure to the satisfaction of the City Engineer and at the applicant's expense.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.
- 4. Access easements shall be provided guaranteeing vehicular access and pedestrian access, where appropriate, subject to administrative approval.
- 5. The parcel to the east of the closed right-of-way shall be responsible for the maintenance of any land overlaid with an access easement in perpetuity.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

#### **City Engineer:**

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

#### **Street Closures:**

- 2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 3. City sanitary sewers/drainage facilities are located within the proposed closure area. A 15 foot wide sanitary sewer easement will be required for the sewer line crossing Hadden Street.
- 4. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 5. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

#### **Site Plan Notes:**

- 6. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 7. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

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## **City Fire Division:**

Reviewed by: J. Stinson

Address or Site Reference: Hadden/Butler

• All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.

Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).

- Potential fire department access issues with this project.
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such
  protection shall be installed and made serviceable prior to and during the time of construction except
  when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

## **APPLICATION FORM**



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET, SUITE 476, MEMPHIS, TENNESSEE 38103-2084 (901) 363-6619

#### APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Mailing Address: 10900 Nuckols Rd Ste 200 City/State: Glen Allen Property Owner E-Mail Address: astifel@capitalsquare1031.com; nmason@capitalsq Applicant: KRN Development, LLC Phone Mailing Address: 1331 Union Avenue Ste 1028 City/State: Memphis, Applicant E- Mail Address: skem@kmdev.com; mmiller@kmdev.com; kfigliola@kmd Representative: Brenda Solomito Basar Phone Mailing Address: 1779 Kirby Pkwy #1-323 City/State: Memphis, Representative E-Mail Address: brenda@solomitolandplanning.com Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis, Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Vyes No Unincorporated Shelby County			
Property Owner of Record: CSRA/KPS 509 South BB King Blvd, LLC Phone Mailing Address: 10900 Nuckols Rd Ste 200 City/State: Glen Allen Property Owner E-Mail Address: astifel@capitalsquare1031.com, nmason@capitalsquare1031.com, nmason@capitalsquare			
Property Owner E-Mail Address: astifel@capitalsquare1031.com; nmason@capitalsquare10ant: KRN Development, LLC Phone Mailing Address: 1331 Union Avenue Ste 1028 City/State: Memphis, Applicant E- Mail Address: skem@kmdev.com; mmiller@kmdev.com; kfigliola@kmdev.com; brenda Solomito Basar Phone Mailing Address: 1779 Kirby Pkwy #1-323 City/State: Memphis, Representative E-Mail Address: brenda@solomitolandplanning.com  Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis, Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com  Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Yes No Unincorporated Shelby County	#: (901) 440-2810		
Property Owner E-Mail Address: astifel@capitalsquare1031.com; nmason@capitalsquare10ant: KRN Development, LLC Phone Mailing Address: 1331 Union Avenue Ste 1028 City/State: Memphis, Applicant E- Mail Address: skern@kmdev.com; mmiller@kmdev.com; kfigliola@kmdRepresentative: Brenda Solomito Basar Phone Mailing Address: 1779 Kirby Pkwy #1-323 City/State: Memphis, Representative E-Mail Address: brenda@solomitolandplanning.com  Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis, Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com  Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Yes No Unincorporated Shelby County	VA Zip 23060		
Applicant: KRN Development, LLC  Mailing Address: 1331 Union Avenue Ste 1028  Applicant E- Mail Address: Skern@kmdev.com; mmiller@kmdev.com; kfigliola@kmdev.com; kfigliola@kmdev.com; mmiller@kmdev.com; kfigliola@kmdev.com; kfigliola@kmdev.c			
Mailing Address: 1331 Union Avenue Ste 1028 City/State: Memphis, Applicant E- Mail Address: skem@kmdev.com; mmiller@kmdev.com; kfigliola@kmd Representative: Brenda Solomito Basar Phone Mailing Address: 1779 Kirby Pkwy #1-323 City/State: Memphis, Representative E-Mail Address: brenda@solomitolandplanning.com Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis, Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Yes No Unincorporated Shelby County	# (901) 440-2810		
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Representative: Brenda Solomito Basar Phone Mailing Address: 1779 Kirby Pkwy #1-323 City/State: Memphis, Representative E-Mail Address: brenda@solomitolandplanning.com Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis, Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Ves No Unincorporated Shelby County			
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Representative E-Mail Address: brenda@solomitolandplanning.com  Engineer/Surveyor: Davis Patrikios Criswell, Inc. Phone  Mailing Address: 7975 Stage Hills Blvd Ste 1 City/State: Memphis,  Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com  Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits Vers No  Unincorporated Shelby County			
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Mailing Address: 7975 Stage Hills Blvd Ste 1  Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com  Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits  Unincorporated Shelby County  Yes No	# (901) 377-9984		
Engineer/Surveyor E-Mail Address: ecriswell@dpcmemphis.com  Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits			
Closure Street Address Location: 509 S. BB King Blvd, Memphis, TN 38126  Inside of Memphis City Limits			
Inside of Memphis City Limits     ✓ Yes     No       Unincorporated Shelby County     Yes     ✓ No			
Unincorporated Shelby County Yes VNo			
City of Reserve Area Yes ✓No			
Distance to nearest intersecting street:			
Area of ROW: appx. 13,429sf Square-Feet/Acres Length x Width of RO	(IV. 339.5' x 44.99' x 246.75' Fa		
Closure starts at: 844 emicrost Exhant	aı		
Proceeds to See attached Earths Reason for Closture: See attached letter of intent			

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 04/07/2022 with Brett Davis

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.						
Property Owner of Record*	Date	Applicant	Date			
Property Owner of Record*	Date	Applicant	Date			
Property Owner of Record*	Date	Applicant	Date			
Property Owner of Record*	Date	Applicant	Date			
Property Owner of Record*	Date	Applicant	Date			

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

#### Types of Vacation (from Chapter 9.8 of the Unified Development Code)

- Conversions (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)
  - Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.
- Physical closures (street and alley closures that involve the physical closure of an existing street or alley)
- 3. Abandonment (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

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#### LETTER OF INTENT

June 9, 2022

Mr. Brett Ragsdale, AIA Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 468 Memphis, TN 38103

RE: Application for Street Closure

Hadden Street

Dear Brett,

On behalf of KRN Development and the associated property owners, we are pleased to submit an application for a street closure for the Hadden Street right of way. The area of closure lies between GE Patterson and the curvature of South Third Street, just south of the intersection of Butler Avenue and South Third Street. This application for closure is the last step in the entitlement process for the Buter Row Project.

Butler Row - This mixed-use project, consisting of multifamily homes, retail, and restaurants, is a new amenity to the downtown neighborhood. Density Variances were granted by the Board of Adjustment.

The purpose of this closure is to convert the public right of way to a private street to eliminate vehicular access through the curved intersection at South Third Street. In addition to eliminating the through traffic, this closure will enhance pedestrian safety, walkability community through the creation of an outdoor plaza open to the public.

As illustrated on the attached renderings, there will be a physical barrier at the northern part of the closure to permanently prohibit traffic. Approximately 120'+/- of the southern portion of the right of way to be closed will serve as private access to the existing business at the northwest corner of Hadden Street and GE Patterson.

This proposal will enhance the pedestrian safety and promote a better traffic pattern in the area. Thank you for your time consideration.

Sincerely,

Brenda

SOLOMITO LAND PLANNING

Brenda Solomito Basar Land Planner



info@solomitolandplanning.com | 901.755.7495

# **SIGN AFFIDAVIT**

AFFIDAVIT
Shelby County
State of Tennessee
, being daty sworn deposes and says that atam, om on the
Owner, Applicant or Representative  Date
Notary Public  Notary
OF SHE

#### **OWNER'S AFFIDAVITS**



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

# Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OW	NER: Includes the holder	of legal title as well as holders of any equitable interest, such as trust beneficiaries,
cont	ract purchasers, option h	olders, lessees under leases having an unexpired term of at least ten years, and the like.
Whe	never a statement of own	ership is required by the Memphis and Shelby County Unified Development Code, full
		itable interest in the property is required. Memphis and Shelby County Unified
	elopment Code Section 1	
1	Tom Gattas	, state that I have read the definition of "Owner" as outlined in the Memphis and
Shel	by County Unified Develo	pment Code Section 12.3.1 and hereby state that (select applicable box):
	I am the owner of recor	d as shown on the current tax rolls of the county Assessor of Property; the mortgage
	holder of record as sho	wn in the mortgage records of the county Register of Deeds; purchaser under a land
	contract; a mortgagee of	or vendee in possession; or I have a freehold or lesser estate in the premises
X		have included documentation with this affidavity Cotton
of th	a property located at 202	GE Patterson Avenue, Memphis, TN 38126
and :	further identified by Asses	ssor's Parcel Number 002135 00006
for w	hich an application is bei	ng made to the Division of Planning and Development.
5	ature of Notary Public	My Commission Expires  And State Of Tennessee  My Commission Expires



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

## Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified. Development Code Section 12,3,1.

1,_	Scott Kern	, state that I have read the definition of "Owner" as outlined in the Memphis and
Shel	by County Unified Deve	dopment Code Section 12.3.1 and hereby state that (select applicable box):
	I am the owner of reco	ord as shown on the current tax rolls of the county Assessor of Property; the mortgage
	holder of record as she	own in the mortgage records of the county Register of Deeds; purchaser under a land.
	contract; a mortgagee	or vendee in possession; or I have a freehold or lesser estate in the premises
X	I have charge, care or	control of the premises as trustee, agent, executor, administrator, assignee, receiver,
	guardian or lessee (an	nd have included documentation with this affidavit)
of the	e property located at 50	09 S BB King Blvd, 185 E Butler Avenue, & 0 E Calhoun Avenue, Memphis, TN 38126
and	further identified by Asse	essor's Parcel Number 002135 00004C, 002135 00003C, & 005019 00001C
		eing made to the Division of Planning and Development.
Subs	scribed and sworn to (or	affirmed) before me this day of in the year of 2033_
	1	TENNESSEE WELL 13 2033
Sign	ature of Notary Public	NOTARY PUBLIC My Commission Expires November 13, 2023
		ELVY OF SHE



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

# Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I,Louis J. Rogers, state that I have read the definition of "Owner" as outlined in the Memphis and
Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):
I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land
contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
X I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and have included documentation with this affidavit)
of the property located at 509 S BB King Blvd, 185 E Butler Avenue, & 0 E Calhoun Avenue, Memphis, TN 38126
and further identified by Assessor's Parcel Number 002135 00004C, 002135 00003C, & 005019 00001C
for which an application is being prade to the Division of Planning and Development.
Subscribed and sworm to (or affirmed) before me this warming day of June in the year of 2022.
Notary Public  Reg. # 7995702  MY Commission Expires  10/31/2026  Signature of Notary Public
THE WAR THE WAR THE

# **LETTERS RECEIVED**

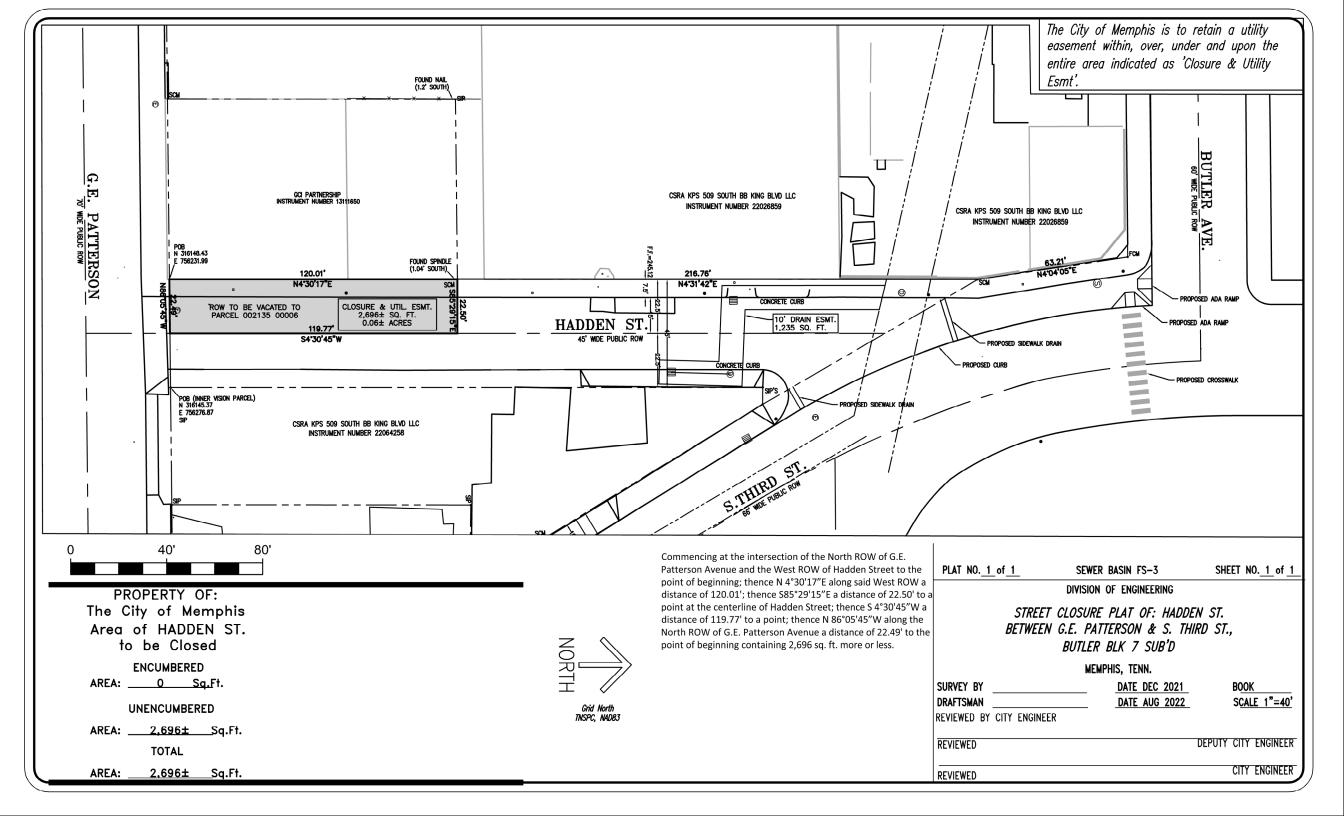
No letters were received by the time of publication of this report.

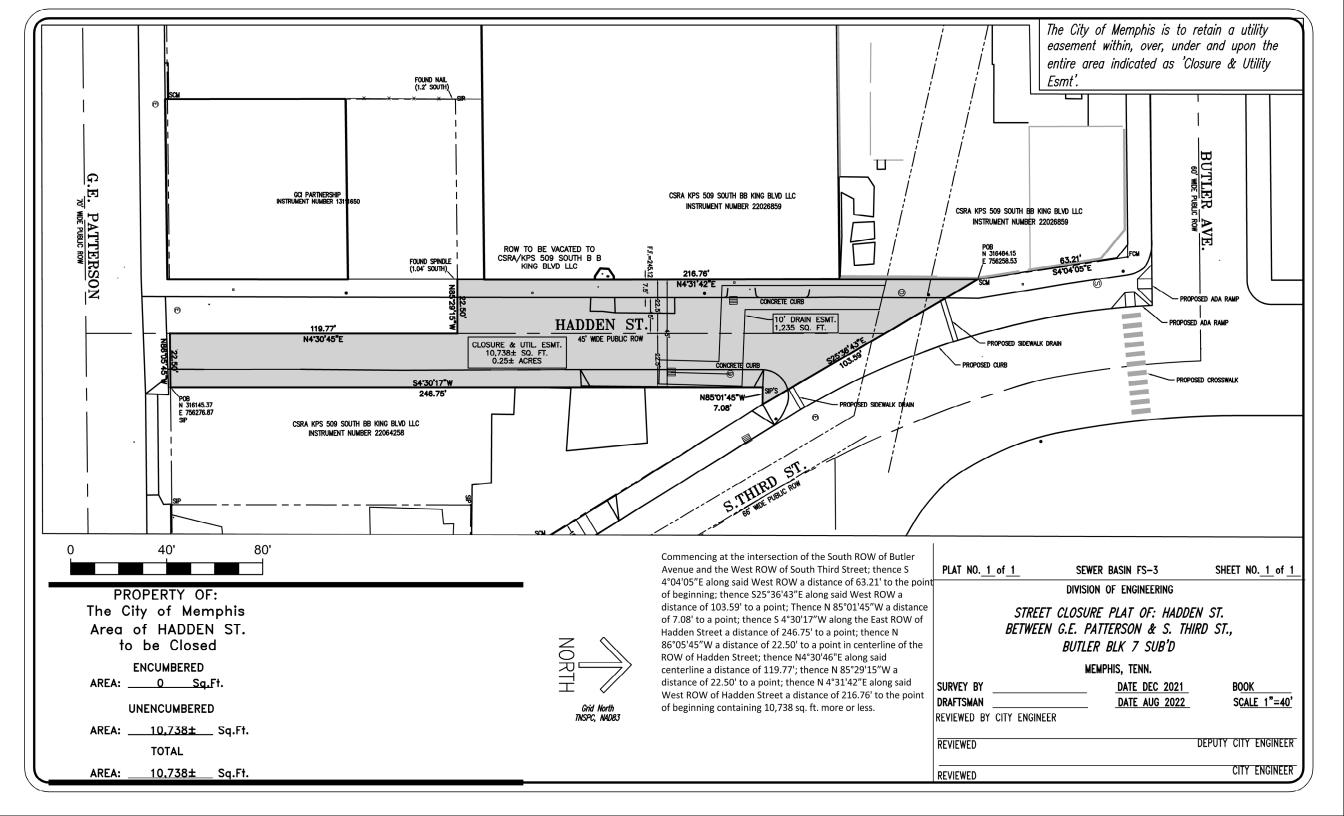
#### Plat A

Commencing at the intersection of the North ROW of G.E. Patterson Avenue and the West ROW of Hadden Street to the point of beginning; thence N 4°30′17″E along said West ROW a distance of 120.01′; thence S85°29′15″E a distance of 22.50′ to a point at the centerline of Hadden Street; thence S 4°30′45″W a distance of 119.77′ to a point; thence N 86°05′45″W along the North ROW of G.E. Patterson Avenue a distance of 22.49′ to the point of beginning containing 2,696 sq. ft. more or less.

#### Plat B

Commencing at the intersection of the South ROW of Butler Avenue and the West ROW of South Third Street; thence S 4°04′05″E along said West ROW a distance of 63.21′ to the point of beginning; thence S25°36′43″E along said West ROW a distance of 103.59′ to a point; Thence N 85°01′45″W a distance of 7.08′ to a point; thence S 4°30′17″W along the East ROW of Hadden Street a distance of 246.75′ to a point; thence N 86°05′45″W a distance of 22.50′ to a point in centerline of the ROW of Hadden Street; thence N4°30′45″E along said centerline a distance of 119.77′; thence N 85°29′15″W a distance of 22.50′ to a point; thence N 4°31′42″E along said West ROW of Hadden Street a distance of 216.76′ to the point of beginning containing 10,738 sq. ft. more or less.





# CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL Planning & Development ONLY STAPLED | **DIVISION |TO DOCUMENTS| Planning & Zoning COMMITTEE:** 09/13/2022 DATE **PUBLIC SESSION:** 09/13/2022 DATE ITEM (CHECK ONE) \_ REQUEST FOR PUBLIC HEARING ORDINANCE RESOLUTION RESOLUTION APPROVING THE CLOSURE OF A HALF CUL-DE-SAC LOCATED ALONG ITEM DESCRIPTION: BROAD AVENUE ACROSS FROM 2432 BROAD AVENUE, KNOWN AS CASE NUMBER SAC 22-004 **CASE NUMBER:** SAC 2022-004 LOCATION: Broad Avenue across from 2432 Broad Avenue **COUNCIL DISTRICT:** District 5 and Super District 9 – Positions 1, 2, and 3 **OWNER/APPLICANT:** ACA Properties, LLC Tim McCaskill - The Reaves Firm **REPRESENTATIVE: REQUEST:** Partial closure of the public right-of-way of a half cul-de-sac located along Broad Avenue AREA: +/-2,691 Square Feet **RECOMMENDATION:** The Division of Planning and Development recommended Approval with conditions The Land Use Control Board recommended Approval with conditions RECOMMENDED COUNCIL ACTION: Public Hearing Not Required Hearing – September 13, 2022 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 08/11/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS OPERATING BUDGET CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: <u>DATE</u> **POSITION** MUNICIPAL PLANNER DEPUTY ADMINISTRATOR **ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



# Memphis City Council Summary Sheet

# **SAC 22-004**

RESOLUTION APPROVING THE CLOSURE OF A HALF CUL-DE-SAC LOCATED ALONG BROAD AVENUE ACROSS FROM 2432 BROAD AVENUE, KNOWN AS CASE NUMBER SAC 22-004.

- This item is a resolution with conditions to allow the above; and
- This item may require a new public improvement contract.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, August 15, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: SAC 2022-004

**LOCATION:** Broad Avenue across from 2432 Broad Avenue

**COUNCIL DISTRICT(S):** District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: ACA Properties, LLC

**REPRESENTATIVE:** Tim McCaskill - The Reaves Firm

**REQUEST:** Partial closure of the public right-of-way of a half cul-de-sac located

along Broad Avenue

**EXISTING ZONING:** Residential Single Family – 6 (H) and PD 2021-032

AREA: +/-2,691 Square Feet

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions of the application.

The motion passed by a unanimous vote of 7-0 on the consent agenda.

Respectfully,

**Seth Thomas** 

**Municipal Planner** 

Land Use and Development Services
Division of Planning and Development

chron

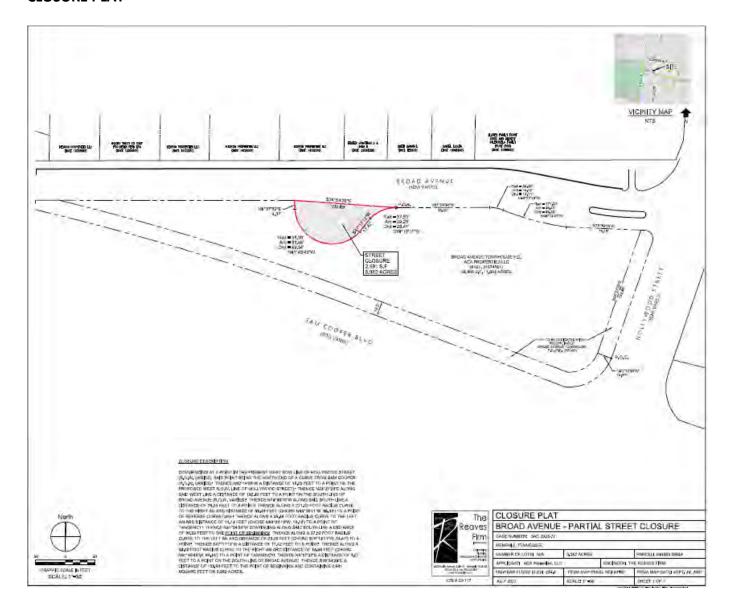
Cc: Committee Members

File

# SAC 22-004 CONDITIONS

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 5. This entitlement shall not be subject to the comments from City Engineering included herein, rather how the approved Planned Development Site Plan is shown and the above conditions 1 through 4.

## **CLOSURE PLAT**



# RESOLUTION

RESOLUTION APPROVING THE CLOSURE OF A HALF CUL-DE-SAC LOCATED ALONG BROAD AVENUE ACROSS FROM 2432 BROAD AVENUE, KNOWN AS CASE NUMBER SAC 22-004

**WHEREAS**, the City of Memphis is the owner of real property known as a half cul-desac located along Broad Avenue in Memphis, Tennessee and being more particularly described as follows:

COMMENCING AT A POINT IN THE PRESENT WEST ROW LINE OF HOLLLYWOOD STREET (R.O.W. VARIES), SAID POINT BEING THE NORTH END OF A CURVE FROM SAM COOPER (R.O.W. VARIES); THENCE N60°14'56"W A DISTANCE OF 15.00 FEET TO A POINT ON THE PROPOSED WEST R.O.W. LINE OF HOLLYWOOD STREET); THENCE N28°27'20"E ALONG SAID WEST LINE A DISTANCE OF 132.80 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE (R.O.W. VARIES); THENCE N78°36'15"W ALONG SAID SOUTH LINE A DISTANCE OF 76.15 FEET TO A POINT; THENCE ALONG A 271.30 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 66.49 FEET (CHORD N66°03'41"W, 66.33') TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 36.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 14.18 FEET (CHORD N69°20'18"W, 14.10') TO A POINT OF TANGENCY; THENCE N81°04'54"W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 95.33 FEET TO THE POINT OF BEGINNING; THENCE ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 29.20 FEET (CHORD S76°18'11"W, 28.47') TO A POINT; THENCE \$47°11'13"W A DISTANCE OF 17.42 FEET TO A POINT; THENCE ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.56 FEET (CHORD N61°45'45"W, 69.84') TO A POINT OF TANGENCY; THENCE N6°07'32"E A DISTANCE OF 9.07 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE; THENCE S76°54'26"E A DISTANCE OF 103.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,691 SQUARE FEET OR 0.062 ACRES.

WHEREAS, the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and desires to close the hereinabove described public right-of-way and it is deemed to be in the best interest of the City of Memphis that said public right-of-way be vacated, and revert to the abutting property owner(s); and

**WHEREAS**, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on August 15, 2022, and said Board has submitted its findings and recommendation to the Council of the City of Memphis subject to the following conditions:

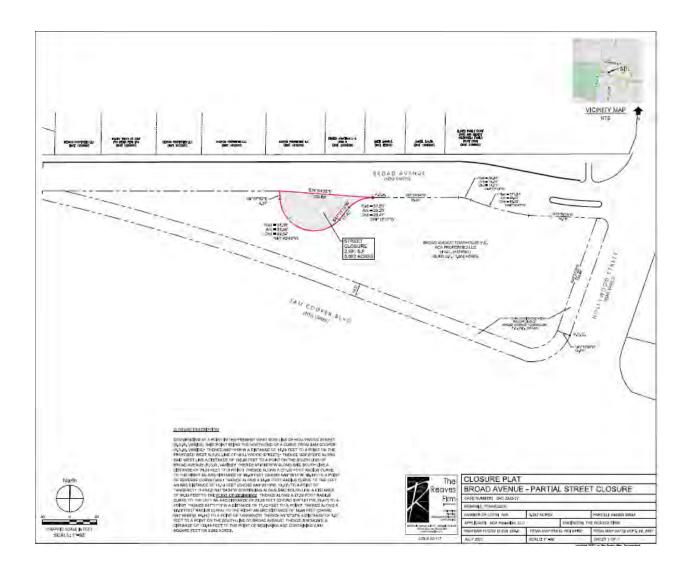
- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 5. This entitlement shall not be subject to the comments from City Engineering included herein, rather how the approved Planned Development Site Plan is shown and the above conditions 1 through 4.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that the above described public right-of-way be and is hereby closed for public use, subject to the aforementioned conditions.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute all Quitclaim Deed(s) to the owners of the properties abutting on the above described public right-ofway, said Deeds not to be delivered until the conditions herein stated have been met by applicant.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Lawyers Title Insurance Company, the Memphis Title Company, the Chicago Title Company, the Security Title Company and the Shelby County Property Assessor's Office.

Division of Planning and Development – Land Use and Development Services City Engineering – Land Development City Real Estate Cc:



# dpd STAFF REPORT

AGENDA ITEM: 7

CASE NUMBER: SAC 2022-004 L.U.C.B. MEETING: August 11, 2022

**LOCATION:** Broad Avenue across from 2432 Broad Avenue

**COUNCIL DISTRICT:** District 5 and Super District 9 – Positions 1, 2, and 3

OWNER/APPLICANT: ACA Properties, LLC

**REPRESENTATIVE:** Tim McCaskill - The Reaves Firm

**REQUEST:** Partial closure of the public right-of-way of a half cul-de-sac located along Broad

Avenue

AREA: +/-2,691 Square Feet

**EXISTING ZONING:** Residential Single Family – 6 (H) and PD 2021-032

## **CONCLUSIONS**

- 1. The applicant is seeking to close and vacate right-of-way of a half cul-de-sac on the south side of Broad Avenue across from 2432 Broad Avenue.
- 2. The applicant's intent in this closure is to incorporate the right of way into a townhome development that was approved by the Memphis City Council November 2, 2021, known as case PD 2021-32.
- 3. The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

# RECOMMENDATION Approval with conditions

Staff Writer: Seth Thomas E-mail: seth.thomas@memphistn.gov

Staff Report August 11, 2022 SAC 2022-004 Page 2

## **GENERAL INFORMATION**

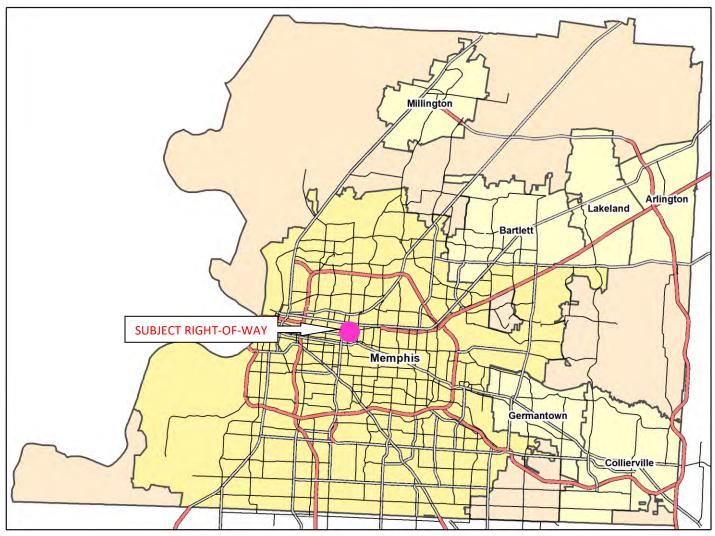
**Zoning Atlas Page:** 2035

**Existing Zoning:** Residential Single Family – 6 (H) and PD 2021-032

# **PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 80 notices were mailed on July 26, 2022, and a total of 1 sign posted on the right-of-way to be closed and vacated. The sign affidavit has been added to this report.

# **LOCATION MAP**



Subject right-of-way located within the pink circle, Binghampton neighborhood

# **VICINITY MAP**



Subject right-of-way highlighted in yellow

# **AERIAL**



Subject right-of-way outlined in yellow

# **ZONING MAP**



Subject right-of-way highlighted in yellow

**Existing Zoning:** Residential Single Family – 6 (H) and PD 2021-032

# **Surrounding Zoning**

North: Residential Single Family – 6 (H) and BOA 17-008

East: Commercial Mixed Use – 1

**South:** PD 17-007 and R-6 (H)

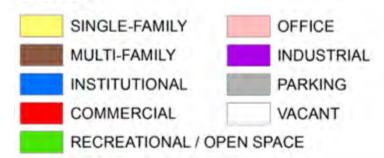
West: R-6 (H) and PD 17-008

# **LAND USE MAP**



Subject right-of-way outlined in orange

# LandUse



# **SITE PHOTOS**



View of the half cul-de-sac from Sam Cooper Boulevard facing north.

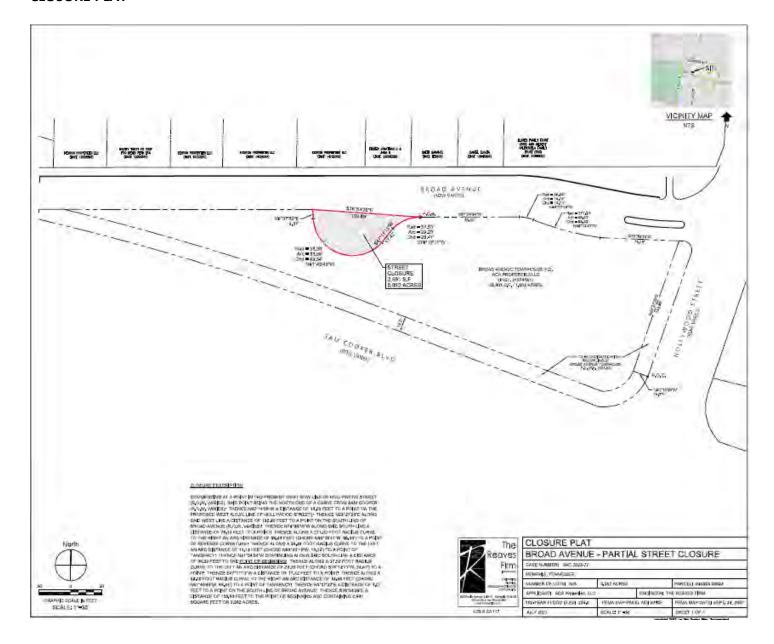


View of the half cul-de-sac from Broad Avenue facing southwest.



View of the half cul-de-sac from Broad Avenue facing east.

# **CLOSURE PLAT**



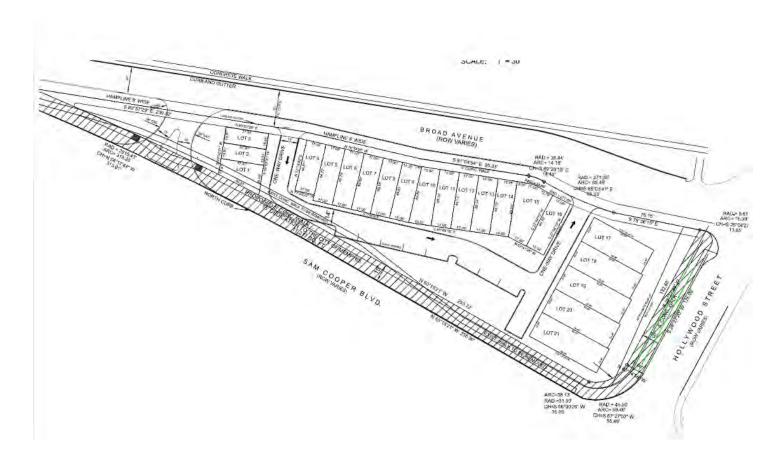
#### **LEGAL DESCRIPTION**

Description of part of a 15' East/West Alley, located north of Lots 32 & 33 and south of Lots 8 and 9, Block 9 of the Suburban Land Company's Subdivision, recorded in Plat Book 5, Page 106 in the Shelby County Register's Office and being more particularly described as follows:

Beginning at a point in the South line of a 15' East/West Alley being the Northeast corner of Lot 33, Block 9, Suburban Land Company's Subdivision; thence West a distance of 100.00' to a point being the Northwest corner of Lot 33; thence North a distance of 15.00' to a point being the Southwest corner of Lot 9; thence East a distance of 100.00' to a point being the Southeast corner of Lot 8; thence South a distance of 15.00' to the point of beginning, containing 1500 square feet more or less.

LEGAL DESCRIPTION
15' EAST/WEST ALLEY
NORTH OF 530 GILLEAS ROAD
(LOTS 32 & 33)
SUBURBAN LAND COMPANY'S SUBDIVISION
MEMPHIS, TENNESSEE
OCTOBER, 2019

# **CONCEPT PLAN**



#### APPROVED OUTLINE PLAN CONDTIONS FOR CORRESPONDING DEVELOPMENT

#### **OUTLINE PLAN CONDITIONS**

#### PD 2021-32 Broad Avenue Townhouses Outline Plan Conditions

#### I. Uses Permitted

- A. Maximum of 21 single-family townhouse lots
- B. Residential accessory uses and structures permitted

#### II. Bulk Regulations

- A. Setbacks shall be as those shown on the final plat
- B. The height of the townhouses shall not exceed three (3) stories

#### III. Access and Circulation

- A. Internal circulation shall be shown on final plat
- B. Vehicular access will contain a one-way entrance and one-way exit on Broad Avenue, with a 15-foot wide internal private drive
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk
- D. A Trip Generation Report that documents the proposed land use, project, scope, and anticipated traffic demand associated with the proposed development shall be provided to City Engineering for review. A detailed Traffic Impact Study shall be required if the accepted Trip Generation Report indicates that the number of projected trips meets or exceeds the criteria specified by City Engineering.
- E. Parking shall be provided in accordance with residential parking ratios found in section 4.5.3 of the UDC

#### IV. Landscaping and Screening

- A. A detailed landscaping plan shall be submitted with the final plat.
- B. All required landscaping shall be irrigated.

# V. Signs

- A. Signs shall be in accordance with the residential section of the UDC (Sub-Section 4.9.7B)
- B. No portable signs shall be allowed
- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign

requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Zoning Administrator of the Division of Planning and Development, to have such action reviewed by the Memphis City Council.

- VII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
  - A. The outline plan conditions.
  - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions incuding lots, buildable areas, parking areas, drives, and required landscaping.
  - D. The location and ownership, whether public or private of any easement.
  - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
  - F. The 100-year flood elevation.

#### STAFF ANALYSIS

# **Request and Reason**

The application and letter of intent have been added to this report.

The request is a partial street closure for Broad Avenue. The 2,691 Square foot closure consists of half of a culde-sac The reason for the request is that the applicant intends to use the closure area as part of a previously approved planned development for townhomes.

## **Site Description**

The subject right-of-way is a +/-2,691 square foot half cul-de-sac on the south side of Broad Avenue directly across from 2432 Broad Avenue. This closure will be incorporated in the southern parcel located at the northwest corner of Hollywood Street and Sam Cooper Boulevard.

## **Conclusions**

The applicant is seeking to close and vacate right-of-way of a half cul-de-sac on the south side of Broad Avenue across from 2432 Broad Avenue.

The applicant's intent in this closure is to incorporate the right of way into a townhome development that was approved by the Memphis City Council November 2, 2021, known as case PD 2021-32.

The closure of the subject right-of-way would not have any undue or substantial effect upon the existing vehicular and pedestrian traffic flow of the surrounding area.

#### RECOMMENDATION

Staff recommends approval with conditions.

## **Conditions**

- 1. Provide easements for existing sanitary sewers, drainage facilities, and other utilities or relocate at developer's expense.
- 2. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City Engineer to cover the above required construction work.
- 3. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the Council of the City of Memphis.
- 4. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
- 5. This entitlement shall not be subject to the comments from City Engineering included herein, rather how the approved Planned Development Site Plan is shown and the above conditions 1 through 4.

August 11, 2022 Page 16

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

# **City/County Engineer:**

Roads:

1. The closure of this semi cul-de-sac will require the construction of a new turnaround.

Street Closures:

- 2. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
- 3. An 8 inch City sanitary sewer is located in the closure area. Provide a 15 foot wide sewer easement over the line.
- 4. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a Right of Way permit from the City Engineer to cover the above required construction work.
- 5. The applicant shall comply with all conditions of the closure within 3 years of the conditional approval of the closure by the City Council.

Site Plan Notes:

- 6. Provide a continuous, one-way, on-site traffic pattern or a paved, circular turn-around that will provide for exit by forward motion without any on-site backing of vehicles.
- 7. Adequate queuing spaces in accordance with section 4.4.8 of the UDC shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
- 8. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

City/County Health Department: No comments received.

**Shelby County Schools:** No comments received.

Staff Report August 11, 2022 SAC 2022-004 Page 17

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

#### **APPLICATION**



## MEMPHIS AND SHELBY COUNTY

# Record Summary for Street and Alley Closure (Right of Way Vacation)

Record Detail Information

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Assignment

Opened Date: July 5, 2022

Record Number: SAC 2022-004

Expiration Date:

Record Name: Broad Street Partial Closure

Description of Work: On behalf of ACA Properties, LLC, we are submitting the enclosed application to the Division of Planning and Development for a partial street closure for Broad Ave across from 2432 Broad Ave. The 2,691 SF street closure consists of half of a cul-de-sac.

Parent Record Number:

Address: 2429 BROAD AVE, Memphis 38112

Owner Information

Primary Owner Nam

Owner Address

Owner Phone

ACA PROPERTIES LLC 2875 UNION AVEEXT, MEMPHIS, TN 38112

Parcel Information

Parcel No:

033003 00038

Page 1 of 4 SAC 2022-004

Contact Information Name Ricardo Heros Suffix: Address		Organization Name ACA PROPERTIES LLC				Contact Type Applicant		Phone (901) 682-2022
Tim McC	askill					Architect / Engineer /		(901) 761-2016
Address						Survey	yor	
Christine Donhardt					Architect / Engineer /		(901) 761-2016	
Address 6800 Pop	olar Ave					Survey	or	
Ricardo Heros		ACA Properties, LLC			Adjacent Property Owner of Record		(901) 682-2022	
Address								
Fee Informa	tion							
Involce # 1396255	Fee Item Right of Way Vacation/Closure Fee	Guantity 1	400.00	Status INVOICED	Balance 0.00	07/07/2022	Unit	PLNGSTCLO S01
1396255	Credit Card Use Fee (.026 x fee)	1	10.40	INVOICED	0.00	07/07/2022		PLNGSTCLO S05
		Total	Total Fee Invoiced: \$410.40		Total Balance: \$0.00			
Payment	Information							
Payment Amount Method of Payment \$410.40 Credit Card								
Data Fields								
Data Fields								
	LICATION MEETING			Lucas Sk				

Date of Meeting	04/19/2022					
GENERAL INFORMATION						
Name of Street where closure will begin	Broad					
Name of Street where closure will end	Broad					
What is the reason for the street closure?	In 2021, as part of the case PD-21-32 for a 21-lot townhouse planned development, the partial street closure was approved. The half of the cul-de-sac to be closed will become the site of townhouses. This application merely formalizes the plat.					
What is the total area of the right-of-way being closed?	2691					
What is the overall length of the street closure?	103.69					
Name of Street/Alley/ROW	Broad					
Is this application in response to a citation from Construction Code Enforcement or Zoning Letter?	No					
If yes, please provide additional information	-					
Is this application a time extension?	No					
RELATED CASE INFORMATION Previous Case Numbers	PD 2021-32					
GIS INFORMATION						
Case Layer	Z03-122, , Z02-133, Z03-122/Bing					
Central Business Improvement District	No					
Class	С					
Downtown Fire District	No					
Historic District	-					
Land Use	VACANT					
Municipality	Memphis					
Overlay/Special Purpose District	-					
Zoning	-					
State Route	-					
Lot	-					
Subdivision	-					
Planned Development District	-					
Page 3 of 4	SAC 2022-004					

#### **LETTER OF INTENT**



July 7, 2022

Mr. Brett Ragsdale Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

RE: Partial Street Closure Broad Ave & N Hollywood St

Dear Mr. Ragsdale:

On behalf of ACA Properties, LLC, we are submitting the enclosed application to the Division of Planning and Development for a partial street closure for Broad Ave across from 2432 Broad Ave. The 2,691 SF street closure consists of half of a cul-de-sac.

In 2021, as part of the case PD-21-32 for a 21-lot townhouse planned development, the partial street closure was approved. The half of the cul-de-sac to be closed will become the site of townhouses. This application merely formalizes the plat.

Professional consultants include Tim McCaskill with The Reaves Firm.

Your consideration of this application is greatly appreciated.

Sincerely,

Tim McCaskill

Heling

# **SIGN AFFIDAVIT**

#### AFFIDAWIT

Shelby County	
State of Tennessee	
I. Tim MICLASK 122 being duly swom: dep on the 28th day of July 2023 pertaining to Case No. SAC 22 04 at Broad Avenue	Loosted 1 Public Notice Sign(s)
providing notice of a Public Hearing before theMemphis City Council,Shelby Cou consideration of a proposed Land Use ActioSpecial Use PermitZoning District and/or Alley Closure), a photograph of said sign(s) b the sign purchase revealed or rental contract attached	unty Board of Continissioners for n (Planned Development, Map Amendment, * Street eing allached hereen and a copy of
Owner, Applicant or Representative	Date
Subscribed and swom to before me this 28 day	of July , 20,22
Notary Public	
My commission expires: TRY 17. 2026	STATE OF TEMPESSEE MOTARN PUBLIC



Staff Report SAC 2022-004 August 11, 2022 Page 24

# **LETTERS RECEIVED**

No letters received at the time of completion of this report.



## MEMPHIS AND SHELBY COUNTY

# Record Summary for Street and Alley Closure (Right of Way Vacation)

#### **Record Detail Information**

Record Type: Street and Alley Closure (Right of

Way Vacation)

Record Status: Assignment

Opened Date: July 5, 2022

Record Number: SAC 2022-004 Expiration Date:

Record Name: Broad Street Partial Closure

Description of Work: On behalf of ACA Properties, LLC, we are submitting the enclosed application to the Division of Planning and Development for a partial street closure for Broad Ave across from 2432 Broad

Ave. The 2,691 SF street closure consists of half of a cul-de-sac.

Parent Record Number:

Address: 2429 BROAD AVE, Memphis 38112

**Owner Information** 

Primary Owner Name Owner Address Owner Phone

Yes ACA PROPERTIES LLC 2675 UNION AVEEXT, MEMPHIS, TN 38112

**Parcel Information** 

Parcel No:

033003 00038

Page 1 of 4 SAC 2022-004

**Contact Information** 

Name Ricardo Heros Organization Name

**ACA PROPERTIES LLC** 

Contact Type Applicant

Phone (901)682-2022

Suffix:

Address

Tim McCaskill Architect / (901)Engineer / 761-2016

Surveyor

Address

Christine Donhardt Architect / (901)

Engineer /

Surveyor

Address

6800 Poplar Ave

Ricardo Heros ACA Properties, LLC Adjacent (901)

**Property Owner** 

of Record

682-2022

761-2016

Address

**Fee Information** 

Fee Item Balance Invoice # Quantity Fees **Status Date Assessed** Unit Fee Code 1396255 Right of Way 1

INVOICED 0.00

Vacation/Closure Fee

1396255 Credit Card Use Fee

(.026 x fee)

INVOICED 0.00 400.00

10.40

07/07/2022

07/07/2022

**PLNGSTCLO** 

S01

**PLNGSTCLO** 

S05

Total Fee Invoiced: \$410.40 Total Balance: \$0.00

**Payment Information** 

Method of Payment Payment Amount Credit Card \$410.40

**Data Fields** 

PREAPPLICATION MEETING

Lucas Skinner Name of DPD Planner

1

SAC 2022-004 Page 2 of 4

Date of Meeting 04/19/2022

**GENERAL INFORMATION** 

Name of Street where closure will begin Broad

Name of Street where closure will end Broad

What is the reason for the street closure? In 2021, as part of the case PD-21-32 for a 21-lot

townhouse planned development, the partial street closure was approved. The half of the cul-de-sac to be closed will become the site of townhouses. This

application merely formalizes the plat.

What is the total area of the right-of-way being

closed?

2691

What is the overall length of the street closure? 103.69

Name of Street/Alley/ROW Broad

Is this application in response to a citation from

Construction Code Enforcement or Zoning

Letter?

No

If yes, please provide additional information

Is this application a time extension?

No

**RELATED CASE INFORMATION** 

Previous Case Numbers PD 2021-32

**GIS INFORMATION** 

Case Layer Z03-122, , Z02-133, Z03-122/Bing

Central Business Improvement District No

Class

Downtown Fire District No

Historic District -

Land Use VACANT

Municipality Memphis

Overlay/Special Purpose District -

Zoning -

State Route -

Lot -

Subdivision -

Planned Development District -

Page 3 of 4 SAC 2022-004

Page 4 of 4 SAC 2022-004



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

## **Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries,
contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like.
Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full
disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified
Development Code Section 12.3.1.  I, RICARDO HEROS  (Print Name)  (Sign Name)  (Sign Name)
"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state
that (select applicable box):
am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage
holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land
contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
,
I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver,
guardian or lessee (and have included documentation with this affidavit)
of the property located at _0 SAM COOPER BLVD
and further identified by Assessor's Parcel Number 033003 00038
for which an application is being made to the Division of Planning and Development.
Man No
Subscribed and sworn to (or affirmed) before this day of day of in the year of the control of the contro
STATE OF
Min Min Min North
Signature of Notary Public  My Commission Expires



July 7, 2022

Mr. Brett Ragsdale Zoning Administrator Division of Planning and Development 125 N. Main, Ste. 477 Memphis, TN 38103

RE: Partial Street Closure
Broad Ave & N Hollywood St

Dear Mr. Ragsdale:

On behalf of ACA Properties, LLC, we are submitting the enclosed application to the Division of Planning and Development for a partial street closure for Broad Ave across from 2432 Broad Ave. The 2,691 SF street closure consists of half of a cul-de-sac.

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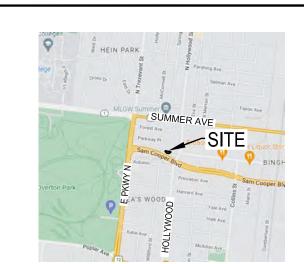
Professional consultants include Tim McCaskill with The Reaves Firm.

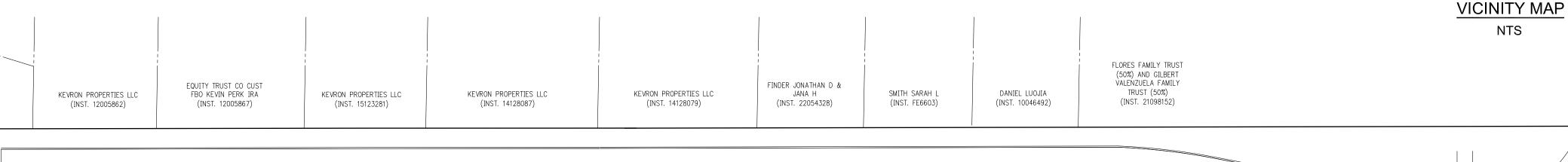
Your consideration of this application is greatly appreciated.

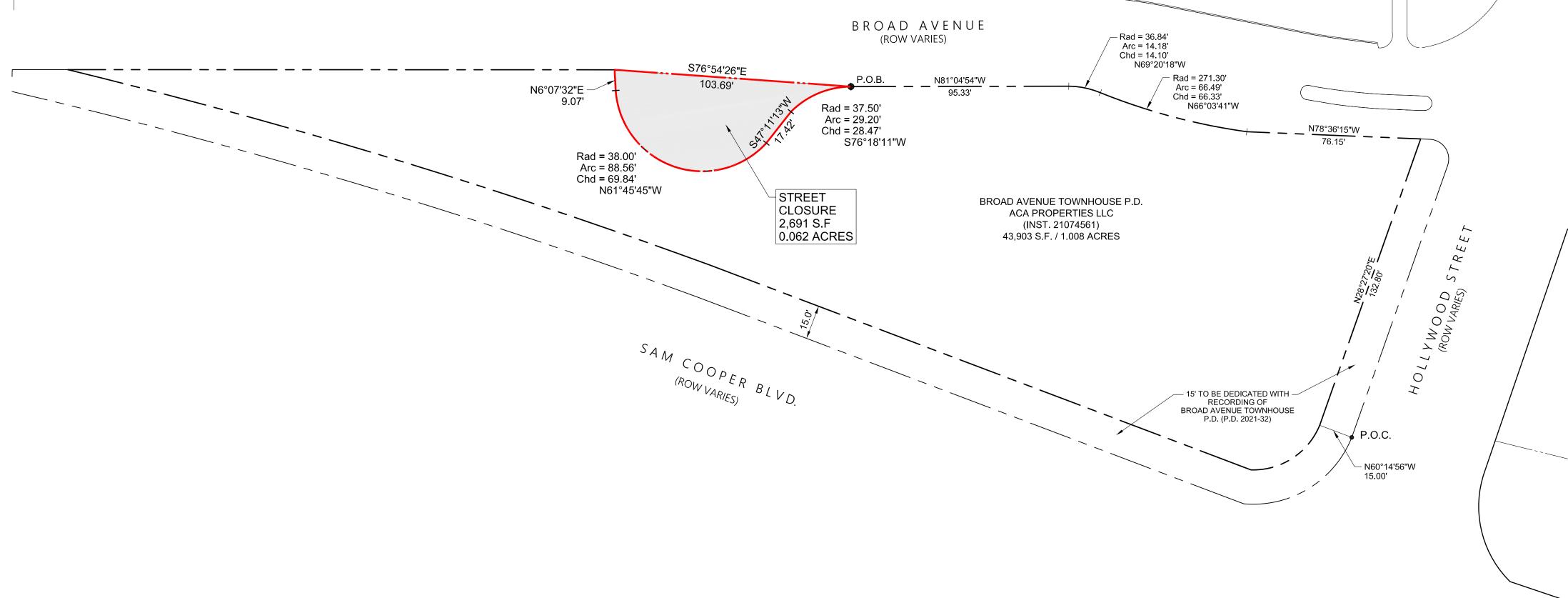
Sincerely,

Tim McCaskill

- Herling







## CLOSURE DESCRIPTION

COMMENCING AT A POINT IN THE PRESENT WEST ROW LINE OF HOLLYWOOD STREET (R.O.W. VARIES), SAID POINT BEING THE NORTH END OF A CURVE FROM SAM COOPER (R.O.W. VARIES); THENCE N60°14'56"W A DISTANCE OF 15.00 FEET TO A POINT ON THE PROPOSED WEST R.O.W. LINE OF HOLLYWOOD STREET); THENCE N28°27'20"E ALONG SAID WEST LINE A DISTANCE OF 132.80 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE (R.O.W. VARIES); THENCE N78°36'15"W ALONG SAID SOUTH LINE A DISTANCE OF 76.15 FEET TO A POINT; THENCE ALONG A 271.30 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 66.49 FEET (CHORD N66°03'41"W, 66.33') TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 36.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 14.18 FEET (CHORD N69°20'18"W, 14.10') TO A POINT OF TANGENCY; THENCE N81°04'54"W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 95.33 FEET TO THE <u>POINT OF BEGINNING</u>; THENCE ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 29.20 FEET (CHORD S76°18'11"W, 28.47') TO A POINT; THENCE S47°11'13"W A DISTANCE OF 17.42 FEET TO A POINT; THENCE ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.56 FEET (CHORD N61°45'45"W, 69.84') TO A POINT OF TANGENCY; THENCE N6°07'32"E A DISTANCE OF 9.07 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE; THENCE S76°54'26"E A DISTANCE OF 103.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,691 SQUARE FEET OR 0.062 ACRES.



901.761.2016 Fax: 901.763.2847 www.ReavesFirm.com

JOB # 22-117

CLOSURE PLAT			
BROAD AVENUE -	PARTIAL	STREET	CLOS

CASE NUMBER: SAC 2022-??

MEMPHIS, TENNESSEE

NUMBER OF LOTS: N/A

APPLICANT: ACA Properties, LLC

ENGINEER: THE REAVES FIRM

100-YEAR FLOOD ELEV: 233.0

FEMA MAP PANEL NO: 0290F

JULY 2022

SCALE: 1" =30'

PARCEL: 033003 00038

ENGINEER: THE REAVES FIRM

FEMA MAP DATE: SEPT. 28, 2007

SHEET 1 OF 1

convight 2022 — The Regues Firm Incorporated

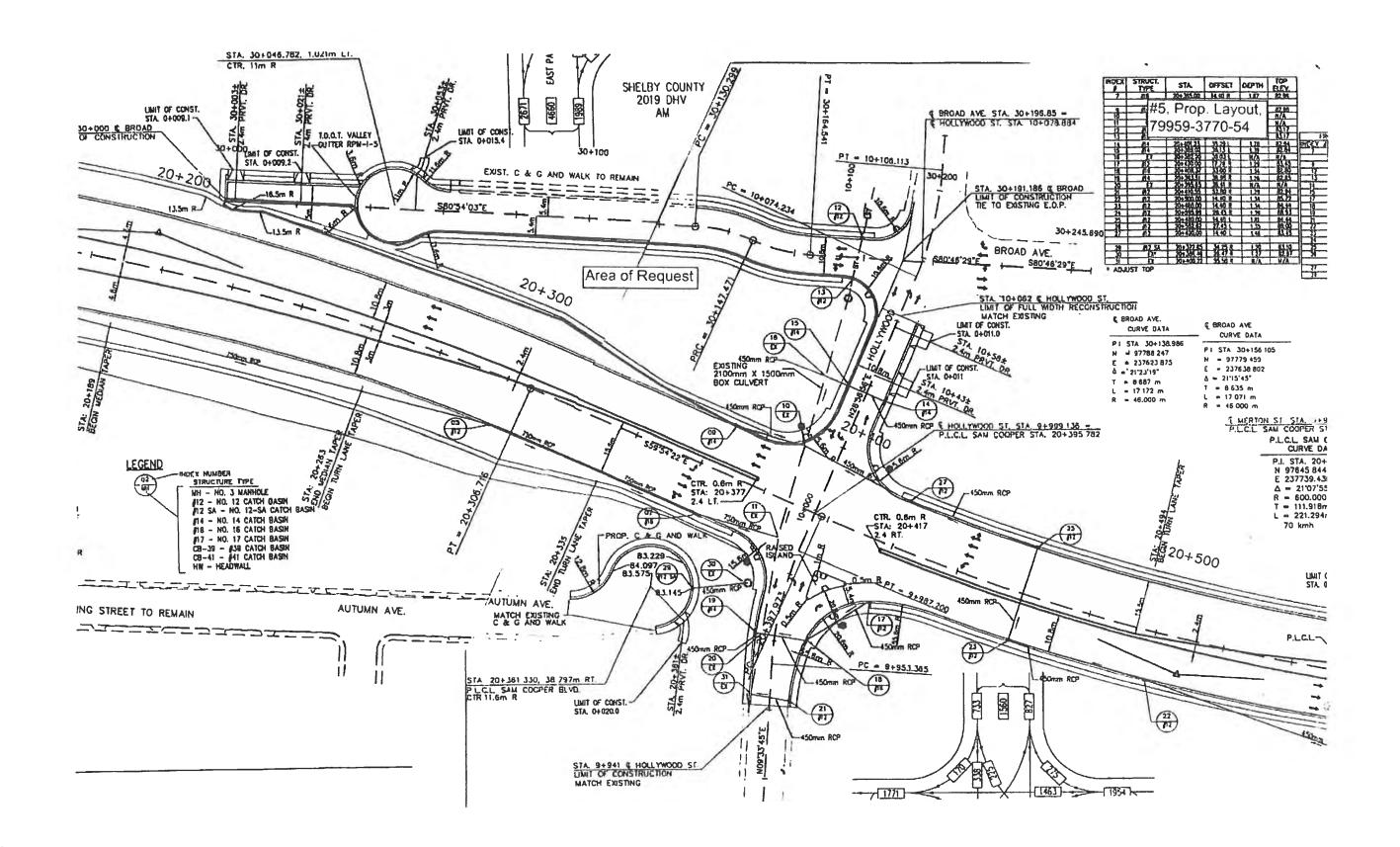
North

GRAPHIC SCALE IN FEET

SCALE: 1"=30'

#### CLOSURE DESCRIPTION

COMMENCING AT A POINT IN THE PRESENT WEST ROW LINE OF HOLLLYWOOD STREET (R.O.W. VARIES), SAID POINT BEING THE NORTH END OF A CURVE FROM SAM COOPER (R.O.W. VARIES); THENCE N60°14'56"W A DISTANCE OF 15.00 FEET TO A POINT ON THE PROPOSED WEST R.O.W. LINE OF HOLLYWOOD STREET); THENCE N28°27'20"E ALONG SAID WEST LINE A DISTANCE OF 132.80 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE (R.O.W. VARIES); THENCE N78°36'15"W ALONG SAID SOUTH LINE A DISTANCE OF 76.15 FEET TO A POINT; THENCE ALONG A 271.30 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 66.49 FEET (CHORD N66°03'41"W, 66.33') TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 36.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 14.18 FEET (CHORD N69°20'18"W, 14.10') TO A POINT OF TANGENCY; THENCE N81°04'54"W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 95.33 FEET TO THE POINT OF BEGINNING; THENCE ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 29.20 FEET (CHORD S76°18'11"W, 28.47') TO A POINT; THENCE S47°11'13"W A DISTANCE OF 17.42 FEET TO A POINT; THENCE ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.56 FEET (CHORD N61°45'45"W, 69.84') TO A POINT OF TANGENCY: THENCE N6°07'32"E A DISTANCE OF 9.07 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE; THENCE S76°54'26"E A DISTANCE OF 103.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,691 SQUARE FEET OR 0.062 ACRES.





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033001 00046 - LAVILLA PROPERTIES LLC
033001 00047 - VO JOHN K
033001 00056 - ROGERS REGINALD
033001 00069 - SEELIG LAURIE A
033001 00066 - ODANIEL SHANNON E
033001 00086 - HEINZ BRADLEY V & SARA J
033001 00063 - VAUGHAN FRANCES G
033001 00049 - HILL TERRANCE
033001 00048 - HEAD CAROLYN D S AND STEPHANIE A DARNELL
033001 00050 - ROBINSON HOUSE FARM INC
033005 00008 - HAAS JACKYE
033001 00067C - MUESSE MARK W
033019 00001 - CABIN CREEK LAND CO INC
033001 00051 - LABARREARE WILLIAM
033001 00052 - SHELBY COUNTY TAX SALE 17.02
033001 00053 - WILLIAMS LEE E
033001 00055 - DEWAR VAUGHAN L
033001 00073 - KEBEDE LAURA F
033001 00072 - PRATER MICHAEL L
033001 00071 - GREGORY AMELIA K
033001 00070 - CASTLE WILLIAM N AND BRIAN V PERA (RS)
033001 00057 - RIVER CITY COMPANIES INC
033001 00065 - GREEN DOROTHY
033001 00064 - CONWILL DOUGLAS A
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033001 00059 - RIVER CITY COMPANIES INC

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033001 00085C - RIVER CITY COMPANIES
033020 00022C - BLUFF CITY ENTERPRISES INC
033020 00018C - BLUFF CITY ENTERPRISES INC
033005 00009 - DOHERTY ROSE M
033005 00010 - KELLY KEN & LINDA
033005 00011 - HYNEMAN CASEY D & KAREN R
033004 00007 - CITY OF MEMPHIS
033004 00002 - DAVIS KIMBERLY D
033004 00001 - OSTER WARREN
033004 00004 - SHELLEY JOSHUA M
033004 00005 - FERNER KEVIN
033004 00006 - FERNER KEVIN
033002 00022C - FLORES FAMILY TRUST (50%) AND
033002 00024 - DANIEL LUOJIA
033002 00025 - SMITH SARAH L
033002 00026 - SANCHEZ OCTAVIO
033002 00030 - EQUITY TRUST CO CUST FBO
033002 00032 - ROBINSON JESSICA E AND DAN S EASON AND
033002 00033 - GOLDEN EDWARD
033002 00034 - KT ALLEN PROPERTIES LLC
033002 00035 - GOLDEN EDWARD
```

033002 00021 - SMYTHE HAROLD A

033002 00019 - FELTUS KEVIN M

033002 00018 - HYNEMAN CASEY D

033002 00020 - KING J SAMUEL & ALYCE F

033002 00017 - RIAL SEAN M 033002 00016 - SCLATER MARY B 033002 00015 - LIPSEY JAKE 033002 00014 - GOULD PHILIP L 033002 00013 - TAYLOR JIMMY A (2/3%) AND DENNIS M SHORT 033002 00012 - MCMURTREY DANYA B 033002 00011 - THOMAS BONNIE L 033002 00010 - ALLEN KERRYE 033002 00009 - WARREN DANIEL G AND NATHAN A HAMPTON AND 033002 00036Z - THRIVE LANDLORD LLC 033017 00001 - GAMBLE LISA 033018 00002 - STONED IMMACULATE LLC 033018 00017 - STONED IMMACULATE LLC 033018 00024Z - RECONNECT MEMPHIS LLC 033018 00001 - LOEB BROS REALTY L P 033018 00003 - STONED IMMACULATE LLC 033001 00054 - PARAGON PRINCIPAL CAPITAL TENNESSEE LLC

033004 00003 - KEVRON PROPERTIES LLC

033002 00027 - KEVRON PROPERTIES LLC

033002 00038 - KEVRON PROPERTIES LLC

033002 00031 - KEVRON PROPERTIES LLC

033002 00037 - KEVRON PROPERTIES LLC

033005 00042Z - MAKOWSKY RINGEL GREEN LLC

033017 00024Z - MAKOWSKY RINGEL GREEN LLC

LAVILLA PROPERTIES LLC	HAAS JACKYE	CASTLE WILLIAM N AND BRIAN V PERA (RS)
1184 ASHFORD LN #	2393 AUTUMN AVE #	2400 PARKWAY PL #
LINCOLN CA 95648	MEMPHIS TN 38112	MEMPHIS TN 38112
VO JOHN K	MUESSE MARK W	RIVER CITY COMPANIES INC
2401 FORREST AVE #	2410 PARKWAY PL #	P O BOX 757 #
MEMPHIS TN 38112	MEMPHIS TN 38112	CORDOVA TN 38088
813 DAVID ST #	CABIN CREEK LAND CO INC P O BOX 757 # CORDOVA TN 38088	2426 PARKWAY PL #
	LABARREARE WILLIAM 4937 LYNBAR AVE # MEMPHIS TN 38117	
ODANIEL SHANNON E	SHELBY COUNTY TAX SALE 17.02	RIVER CITY COMPANIES INC
2422 PARKWAY PL #	PO BOX 2751	P.O. BOX 757
MEMPHIS TN 38112	MEMPHIS TN 38101	CORDOVA TN 38088
	WILLIAMS LEE E 2929 GALLEON CT NE TACOMA WA 98422	
VAUGHAN FRANCES G	DEWAR VAUGHAN L	BLUFF CITY ENTERPRISES INC
2436 PARKWAY PL #	2368 CIRCLE AVE #	PO BOX 17771 #
MEMPHIS TN 38112	MEMPHIS TN 38112	MEMPHIS TN 38187
HILL TERRANCE	KEBEDE LAURA F	BLUFF CITY ENTERPRISES INC
9486 MISTY GROVE CV #	2386 PARKWAY PL #	PO BOX 17771 #
CORDOVA TN 38016	MEMPHIS TN 38112	MEMPHIS TN 38187
HEAD CAROLYN D S AND STEPHANIE A DARNELL	PRATER MICHAEL L	DOHERTY ROSE M
1026 SHERIDAN ST #	2390 PARKWAY PL #	2399 AUTUMN AVE #
MEMPHIS TN 38107	MEMPHIS TN 38112	MEMPHIS TN 38112
ROBINSON HOUSE FARM INC	GREGORY AMELIA K	KELLY KEN & LINDA

2396 PARKWAY PL #

MEMPHIS TN 38112

2405 AUTUMN AVE #

MEMPHIS TN 38112

5523 GA HWY 46

SOPERTON GA 30457

HYNEMAN CASEY D & KAREN R SANCHEZ OCTAVIO
2409 AUTUMN AVE # 1145 JESSICA LAUREN DR RIAL SEAN M 2409 AUTUMN AVE # 2421 PARKWAY PL # CORDOVA TN 38018 MEMPHIS TN 38112 MEMPHIS TN 38112 CITY OF MEMPHIS EQUITY TRUST CO CUST FBO SCLATER MARY B 1625 N PARKWAY # 2415 PARKWAY PL GENERAL DELIVERY # 2415 PARKWAY PL # MEMPHIS TN 38112 MEMPHIS TN 38101 MEMPHIS TN 38112 DAVIS KIMBERLY D ROBINSON JESSICA E AND DAN S EASON AND LIPSEY JAKE 2425 AUTUMN AVE # 80 S GROVE PARK RD # 1660 GETWEI MEMPHIS TN 38112 MEMPHIS TN 38117 MEMPHIS TN 3 1660 GETWELL RD # MEMPHIS TN 38111 OSTER WARREN 2421 AUTUMN AVE # GOLDEN EDWARD 1046 RAILTON RD # GOULD PHILIP L 2405 PARKWAY PL # MEMPHIS TN 38111 MEMPHIS TN 38112 MEMPHIS TN 38112 SHELLEY JOSHUA M KT ALLEN PROPERTIES LLC TAYLOR JIMMY A (2/3%) AND DENNIS M SHORT 2550 HARVARD AVE # 2746 OLD POST CRK # 2399 PARKWAY PL # MEMPHIS TN 38112 GERMANTOWN TN 38138 MEMPHIS TN 38112 GOLDEN EDWARD 1046 RAILTON RD # FERNER KEVIN 2441 AUTUMN AVE # MCMURTREY DANYA B 2395 PARKWAY PL # MEMPHIS TN 38111 MEMPHIS TN 38112 MEMPHIS TN 38112 SMYTHE HAROLD A FERNER KEVIN THOMAS BONNIE L 2439 PARKWAY PL # MEMPHIS TN 38112 2441 AUTUMN AVE 2389 PARKWAY PL # MEMPHIS TN 38112 MEMPHIS TN 38112 FLORES FAMILY TRUST (50%) AND KING J SAMUEL & ALYCE F
408 N PINE ST
2435 PARKWAY PL #
2746 OLD POST
ANALEIM CA 92805
MEMBELS TN 38112 2746 OLD POST CRK # ANAHEIM CA 92805 MEMPHIS TN 38112 **GERMANTOWN TN 38138** DANIEL LUOJIA 1610 VINTON AVE FELTUS KEVIN M WARREN DANIEL G AND NATHAN A HAMPTON AND 2431 PARKWAY PL 2379 PARKWAY PL # MEMPHIS TN 38104 MEMPHIS TN 38112 MEMPHIS TN 38112

SMITH SARAH L

2434 BROAD AVE # MEMPHIS TN 38112

HYNEMAN CASEY D 2425 PARKWAY PL # MEMPHIS TN 38112 THRIVE LANDLORD LLC 1010 JUNE RD # MEMPHIS TN 38119

GAMBLE LISA 6816 POPLAR AVE # GERMANTOWN TN 38138 KEVRON PROPERTIES LLC 1910 MADISON AVE #195 MEMPHIS TN 38104

STONED IMMACULATE LLC 2504 REGENTS WALK # GERMANTOWN TN 38138 MAKOWSKY RINGEL GREEN LLC 1010 JUNE RD #200 MEMPHIS TN 38119

STONED IMMACULATE LLC 2481 BROAD ST # MEMPHIS TN 38112 MAKOWSKY RINGEL GREEN LLC 1010 JUNE RD #200 MEMPHIS TN 38119

RECONNECT MEMPHIS LLC 825 VALLEYBROOK DR # MEMPHIS TN 38120 KEVRON PROPERTIES LLC 1910 MADISON AVE #195 MEMPHIS TN 38104

LOEB BROS REALTY L P 5264 POPLAR AVE # MEMPHIS TN 38119

STONED IMMACULATE LLC 2504 REGENTS WALK # GERMANTOWN TN 38138

PARAGON PRINCIPAL CAPITAL TENNESSEE LLC 200 WALKER AVE #1 MEMPHIS TN 38106

KEVRON PROPERTIES LLC 1910 MADISON AVE #195 MEMPHIS TN 38104

KEVRON PROPERTIES LLC 1910 MADISON AVE #195 MEMPHIS TN 38104

KEVRON PROPERTIES LLC 1910 MADISON AVE #195 MEMPHIS TN 38104



# Shelby County Tennessee

# Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



21074561

06/22/2021 - 03:10:37 PM

6 PGS	
BRANDON 2247888 - 21074561	
VALUE	278750.00
MORTGAGE TAX	0.00
TRANSFER TAX	1031.38
RECORDING FEE	30.00
DP FEE	2.00
REGISTER'S FEE	1.00
TOTAL AMOUNT	1064.38

SHELANDRA Y FORD
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Address New Owner:	Map-Parcel Number(s):	Send Tax Bills To:
ACA Properties, LLC 2675 Union Avenue Ext. Memphis, TN 38112	N/A	ACA Properties, LLC 2675 Union Avenue Ext. Memphis, TN 38112
This instrument prepared by: State of Tennessee, Department of General Services, 312 Rosa L. Parks Avenue, 24th Floor, Nashville, Tennessee 37243		

QUITCLAIM DEED

AFTER RECORDING, RETURN TO: J. MICHAEL MURPHY, Attorney 6389 Quail Hollow Rd. Suite 102 Memphis, TN 38120

Transaction No. 20-02-009

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the STATE OF TENNESSEE ("Grantor") hereby transfers, conveys, sells, assigns, and quitclaims to ACA PROPERTIES, LLC, a Tennessee limited liability company with its principal place of business in Shelby County, Tennessee ("Grantee"), Grantee's successors and assigns, any interest in the real property described in Exhibit A, and depicted on Exhibit B, which are attached hereto and incorporated herein by reference (the "Property").

This is unimproved property located at Shelby County, Tennessee.

The property described herein is conveyed to Grantee in fee simple, and includes Grantor's rights of ingress and egress, if any, to and from the property described herein over and across any abutting lands.

This conveyance is made and accepted subject to the following conditions which will be binding upon Grantee, its successor and assigns, and shall run with the land in perpetuity.

#### Said conditions are as follows:

- 1. no person, on the grounds of sex, handicap, race, color, religion, age, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of any public accommodations which may be constructed on the above described land:
- 2. that in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination shall be practiced and in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors and by first-tier subcontractors in the selection of the retention of second-tier subcontractors;
- 3. that such discrimination shall not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed or operated on the above described land;
- 4. that the Grantees comply with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, Title 49, Code of Federal Regulations, Part 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and 23 U.S.C., Section 324;
- 5. that this conveyance is subject to any interest a person(s), business, governmental entity, or utility may have in the placement and maintenance of existing utility facilities located on the property;

6. No junkyards, as defined in 23 U.S.C., Section 136 shall hereafter be established or maintained on land released as excess to highway needs. No signs, billboards, outdoor advertising structures or advertisement of any kind as provided for in 23 U.S.C., Section 131 shall be hereafter erected, displayed, placed or maintained upon or within the land released, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or the principal activities conducted on the land upon which the signs are located.

STATE OF TENNESSEE COUNTY OF DAVID SOME
The actual consideration for this transfer is \$278,750.00.
Subscribed and sworn to before me this Affrant  Subscribed and sworn to before me this Aday of May 2021.  Make 56 1 Longues
Notary Public  STATE  OF  TENNESSEE  Notary Public  My Commission Expires: 12-17-2024
NOTARY PUBLIC PU

IN WITNESS WHEREOF, the Grantor has executed this Deed this Hard day of April , 2021.

By:

#### **GRANTOR:**

executed in compliance with Executive order No. 79 dated February 24,2021 by TN Governor Billee.

STATE OF TENNESSEE

Digitally signed by Christi Branscom DN: cn=Christi Branscom, o=DG5,

ou=DGS,

Date: 2021.04.28 10:46:36 -05'00'

Christi W. Branscom, Commissioner of the

Department of General Services

APPROVED:

Herbert H. Slatery III, Attorney General and

Reporter

Bill Lee, Governor

STATE OF TENNESSEE COUNTY OF DAVIDSON

Personally appeared before me, the undersigned Notary Public for Davidson County, Christi W. Branscom, Commissioner of the Department of General Services of the State of Tennessee, with whom I am personally acquainted and who, upon oath, acknowledged that she is the Commissioner of the Department of General Services, and that she as such Commissioner, being authorized so to do, executed the foregoing instrument for the purposes contained therein by signing the name of the State of Tennessee by herself as Commissioner.

Witness my hand and seal at office this the Last day of \_\_\_\_

ħ/

, 2021

Notary Public

My Commission Expires:

17-2024

Trans. No. 20-02-009

3

#### **EXHIBIT A**

SITUATED in Shelby County, Tennessee, and being more particularly bounded and described as follows, to-wit:

Description of a 1.008 acre parcel located at the Northwest corner of Sam Cooper Blvd. and Hollywood Street said parcel being Excess Land Request No. 6663 from State Project Nos: 79002-2109-44\79959-3770-54 in Shelby County, Tennessee and more particularly described as follows:

Commencing at a point in the present West ROW line of Hollywood Street said point being the North end of a curve; thence N 60°14′56" W a distance of 15.00' to the point of beginning; thence southwestwardly along a curve to the right (Rad.= 31.50' Ch.= S 66°00'28"W 35.85') an arc distance of 38.13' to a point 15' North of the North line of Sam Cooper Boulevard; thence N 60°15′21"W a distance of 253.72' to a point of curvature; thence northwestwardly along a curve to the left (Rad.= 2625.43', Ch.= N 64°03'33"W 293.21') a distance of 293.36' to a point in the centerline of Broad Street; thence along said centerline S 80°57′29"E a distance of 239.32' to a point; thence S 06°07′32"W a distance of 9.07' to a point of curvature; thence along a curve to the left (Rad.= 38.00', Ch.= S 61°45′45"E 69.84') a distance of 88.56' to a point; thence N 47°11′13"E a distance of 17.42' to a point of curvature; thence along a curve to the right (Rad.= 37.50', Ch.= N 76°18′11"E 28.47') a distance of 29.20' to a point; thence S 81°04′54"E a distance of 95.33' to a point of curvature; thence along a curve to the right (Rad.= 36.84' Ch.= S 69°20'18"E 14.10') a distance of 14.18' to a point of reverse curvature; thence along a curve to the left (Rad.=271.30' Ch= S 66°03′41" E 66.33') a distance of 66.49' to a point; thence S 78°36′15" E a distance of 76.15' to a point 15' West of the West ROW of Hollywood Street; thence S 28°27′20"W a distance of 132.80' to the point of beginning containing 1.008 acres more or less.

Excluded from this description is a 15' wide parcel along Sam Cooper Boulevard and Hollywood Street to be dedicated to the City of Memphis.

**EXHIBIT** 

PROPERTY ADDRESS:

0 Sam Cooper Blvd Memphis, TN 38112

TAX PARCEL NO.:

N/A-PRIOR OWNER=ST. TN

NAME AND ADDRESS OF

ACA Properties, LLC, a Tennessee limited liability company

PROPERTY OWNER:

2675 Union Ave., Ext Memphis, TN 38112

MAIL TAX BILLS TO:

ACA Properties, LLC, a Tennessee limited liability company

2675 Union Ave., Ext Memphis, TN 38112

**RETURN TO:** 

J. Michael Murphy, Attorney

6389 N. Quail Hollow Road, Ste. 102

Memphis, TN 38120

TG#

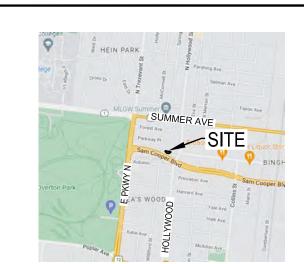
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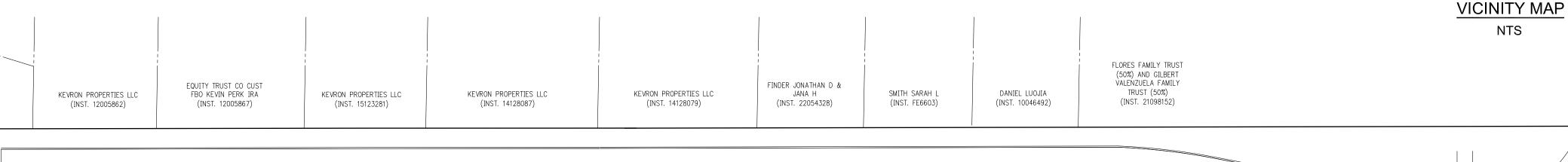
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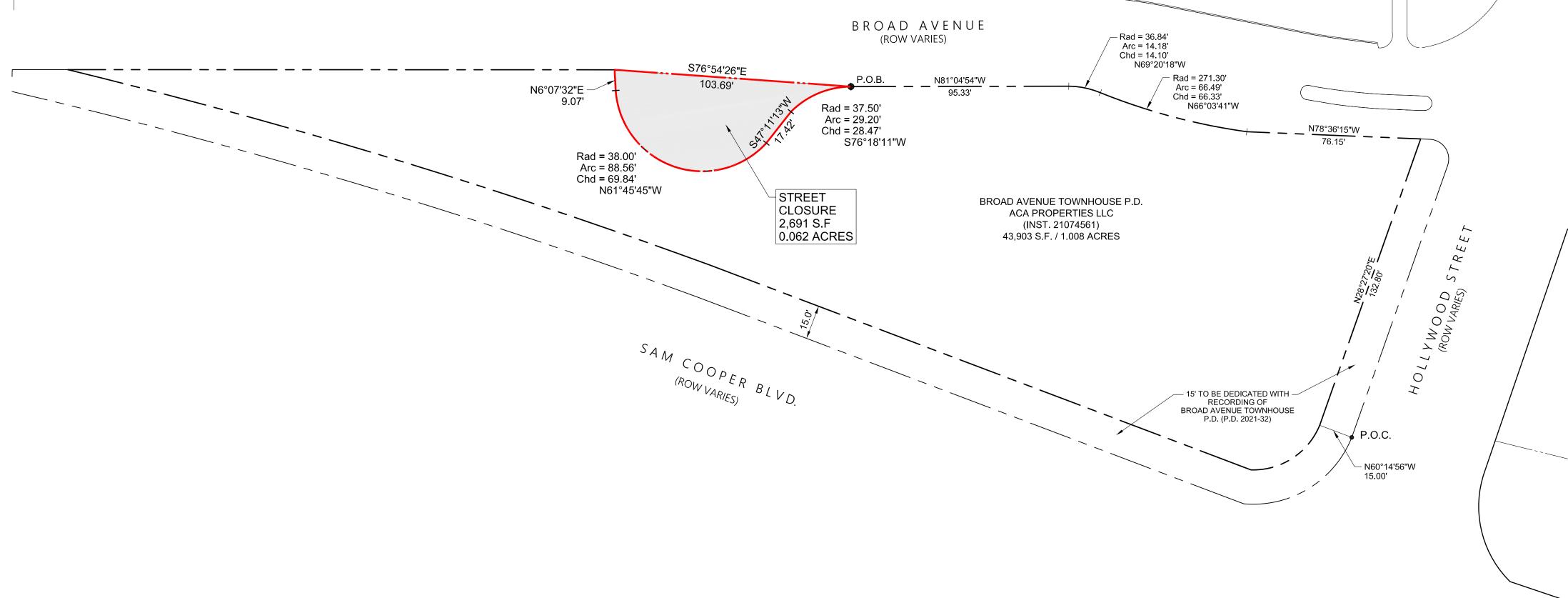
200663

#### **CLOSURE DESCRIPTION**

COMMENCING AT A POINT IN THE PRESENT WEST ROW LINE OF HOLLLYWOOD STREET (R.O.W. VARIES), SAID POINT BEING THE NORTH END OF A CURVE FROM SAM COOPER (R.O.W. VARIES); THENCE N60°14'56"W A DISTANCE OF 15.00 FEET TO A POINT ON THE PROPOSED WEST R.O.W. LINE OF HOLLYWOOD STREET); THENCE N28°27'20"E ALONG SAID WEST LINE A DISTANCE OF 132.80 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE (R.O.W. VARIES); THENCE N78°36'15"W ALONG SAID SOUTH LINE A DISTANCE OF 76.15 FEET TO A POINT; THENCE ALONG A 271.30 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 66.49 FEET (CHORD N66°03'41"W, 66.33') TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 36.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 14.18 FEET (CHORD N69°20'18"W, 14.10') TO A POINT OF TANGENCY; THENCE N81°04'54"W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 95.33 FEET TO THE POINT OF BEGINNING; THENCE ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 29.20 FEET (CHORD S76°18'11"W, 28.47') TO A POINT; THENCE S47°11'13"W A DISTANCE OF 17.42 FEET TO A POINT; THENCE ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.56 FEET (CHORD N61°45'45"W, 69.84') TO A POINT OF TANGENCY: THENCE N6°07'32"E A DISTANCE OF 9.07 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE; THENCE S76°54'26"E A DISTANCE OF 103.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,691 SQUARE FEET OR 0.062 ACRES.







## CLOSURE DESCRIPTION

COMMENCING AT A POINT IN THE PRESENT WEST ROW LINE OF HOLLYWOOD STREET (R.O.W. VARIES), SAID POINT BEING THE NORTH END OF A CURVE FROM SAM COOPER (R.O.W. VARIES); THENCE N60°14'56"W A DISTANCE OF 15.00 FEET TO A POINT ON THE PROPOSED WEST R.O.W. LINE OF HOLLYWOOD STREET); THENCE N28°27'20"E ALONG SAID WEST LINE A DISTANCE OF 132.80 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE (R.O.W. VARIES); THENCE N78°36'15"W ALONG SAID SOUTH LINE A DISTANCE OF 76.15 FEET TO A POINT; THENCE ALONG A 271.30 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 66.49 FEET (CHORD N66°03'41"W, 66.33') TO A POINT OF REVERSE CURVATURE; THENCE ALONG A 36.84 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 14.18 FEET (CHORD N69°20'18"W, 14.10') TO A POINT OF TANGENCY; THENCE N81°04'54"W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 95.33 FEET TO THE <u>POINT OF BEGINNING</u>; THENCE ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 29.20 FEET (CHORD S76°18'11"W, 28.47') TO A POINT; THENCE S47°11'13"W A DISTANCE OF 17.42 FEET TO A POINT; THENCE ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 88.56 FEET (CHORD N61°45'45"W, 69.84') TO A POINT OF TANGENCY; THENCE N6°07'32"E A DISTANCE OF 9.07 FEET TO A POINT ON THE SOUTH LINE OF BROAD AVENUE; THENCE S76°54'26"E A DISTANCE OF 103.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,691 SQUARE FEET OR 0.062 ACRES.



901.761.2016 Fax: 901.763.2847 www.ReavesFirm.com

JOB # 22-117

CLOSURE PLAT			
BROAD AVENUE -	PARTIAL	STREET	CLOS

CASE NUMBER: SAC 2022-??

MEMPHIS, TENNESSEE

NUMBER OF LOTS: N/A

APPLICANT: ACA Properties, LLC

ENGINEER: THE REAVES FIRM

100-YEAR FLOOD ELEV: 233.0

FEMA MAP PANEL NO: 0290F

JULY 2022

SCALE: 1" =30'

PARCEL: 033003 00038

ENGINEER: THE REAVES FIRM

FEMA MAP DATE: SEPT. 28, 2007

SHEET 1 OF 1

convight 2022 — The Regues Firm Incorporated

North

GRAPHIC SCALE IN FEET

SCALE: 1"=30'

#### CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | Planning & Development ONLY STAPLED | **DIVISION |TO DOCUMENTS| Planning & Zoning COMMITTEE:** 09/13/2022 DATE **PUBLIC SESSION:** 10/11/2022 **DATE** ITEM (CHECK ONE) RESOLUTION X REQUEST FOR PUBLIC HEARING X ORDINANCE **ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the south side of Arnold Road +/-1,259 feet west of Getwell Road (3595 Arnold Road). By taking the land out of the Residential Urban - 3 (RU-3) Use District and including it in the Employment (EMP) Use District, known as case number Z 2022-004. **CASE NUMBER:** Z 2022-004 LOCATION: 3595 Arnold Road - South side of Arnold Road +/-1,259 feet west of Getwell Road **COUNCIL DISTRICTS:** District 3 and Super District 8 – Positions 1, 2, and 3 **OWNER/APPLICANT:** Jonathan Whitman **REPRESENTATIVES:** Josh Whitehead - Burch, Porter, Johnson **REQUEST:** Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP) **RECOMMENDATION:** The Division of Planning and Development recommended Rejection The Land Use Control Board recommended Rejection RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading – September 13, 2022 Second reading – September 27, 2022 Third reading – October 11, 2022 **PRIOR ACTION ON ITEM:** APPROVAL - (1) APPROVED (2) DENIED 06/09/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** Lucas Skinner 08/25/2022 MUNICPAL PLANNER **DEPUTY ADMINISTRATOR ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



## Memphis City Council Summary Sheet

#### Z 2022-004

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3595 ARNOLD ROAD - SOUTH SIDE OF ARNOLD ROAD +/-1,259 FEET WEST OF GETWELL ROAD BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-004

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

#### LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, June 9, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 2022-004

**LOCATION:** 3595 Arnold Road - South side of Arnold Road +/-1,259 feet west of

**Getwell Road** 

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Jonathan Whitman

**REPRESENTATIVE:** Josh Whitehead – Burch, Porter, Johnson

**REQUEST:** Rezoning of +/-33.8 acres from Residential Urban – 3 (RU-3) to

Employment (EMP)

The following spoke in support of the application: Josh Whitehead

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion failed by a vote of 2-6 on the regular agenda.

Respectfully,

Lucas Skinner Municipal Planner

Lucas Shis

Land Use and Development Services

Division of Planning and Development

Cc: Committee Members

File

#### **PLOT PLAN**



<b>ORDINANCE</b>	NO:
UNDINANCE	110.

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 3595 ARNOLD ROAD - SOUTH SIDE OF ARNOLD ROAD +/-1,259 FEET WEST OF GETWELL ROAD. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-004

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as Case Number: Z 2022-004; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

#### **SECTION 1:**

**THAT,** the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

#### LEGAL DESCRIPTION

#### **PARCEL A:**

Beginning at a point in the present north line of Shelby Drive a distance of 836.235 feet east of the centerline

of Sugar Creek Road; thence North 00 degrees 41 minutes 45 seconds West a distance of 1035.25 feet to a point; thence South 89 degrees 24 minutes 22 seconds East a distance of 264.09 feet to a point; thence South 00 degrees 24 minutes 15 seconds East a distance of 1035.27 feet to a point in the present north line of Shelby Drive; thence North 89 degrees 22 minutes 47 seconds West with the present north line of Shelby Drive a distance of 258.815 feet to the point of beginning.

#### **PARCEL B:**

Beginning at a point in the centerline of Arnold Road a distance of 274.37 feet west of the physical centerline of Prescott Road, said point being in the northwest corner of the Parcel herein described; thence South 89 degrees 27 minutes 31 seconds East with the centerline of Arnold Road a distance of 274.37 feet to a point; thence South 89 degrees 46 minutes 18 seconds East a distance of 681.45 feet to a point; thence South 00 degrees 19 minutes 35 seconds East a distance of 1205.41 feet to a point; thence North 89 degrees 22 minutes 53 seconds West a distance of 801.43 feet to a point; thence South 00 degrees 24 minutes 15 seconds East a distance of 362.69 feet to a point in the north line of Parcel A; thence North 89 degrees 24 minutes 22 seconds West with the north line of Parcel A a distance of 136.92 feet to a point; thence North 00 degrees 59 minutes 14 seconds West a distance of 1563.54 feet to the point of beginning.

#### **SECTION 2:**

**THAT,** the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

#### **SECTION 3:**

**THAT,** this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

#### **ATTEST:**

Division of Planning and Development

– Land Use and Development Services CC:

- Office of Construction Enforcement

**Shelby County Assessor** 

//: ATTACHMENTS

# dpd STAFF REPORT

AGENDA ITEM: 30

**CASE NUMBER:** Z 2022-004 **L.U.C.B. MEETING:** June 9, 2022

**LOCATION:** 3595 Arnold Road

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Jonathan Whitman

**REPRESENTATIVE:** Josh Whitehead – Burch Porter Johnson

**REQUEST:** Rezoning of  $\pm$  Re

#### **CONCLUSIONS**

- 1. The request is to rezone +/-33.8 acres from Residential Urban 3 (RU-3) to Employment (EMP).
- 2. Historically, there was a previously approved planned development in early 1997 (PD 1996-348) for light industrial uses on this site. Though it has since expired, this request is in line with this previously approved outline plan (Shelby Drive Business Park).
- 3. The underlying purpose of this request is to allow the applicant to create a light industrial development, similar to those just to the east of the property. From the letter of intent, "If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs."
- 4. This site abuts existing light industrial uses and zoning along its entire eastern border, and would continue to provide a transition from the heavier industrial uses to the northeast along Raines Road. However, the site is adjacent and abutting multiple residential uses, the closest being a single-family use to the north across Arnold Road.
- 5. Moreover, this request was ultimately found to be inconsistent with the Memphis 3.0 plan due to the Future Land Use designating this site for multifamily (see pp. 14-16). Given the case and the need to be consistent with local plans, staff must recommend rejection, though staff feels that the case could be somewhat approvable given other parameters.

#### **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is inconsistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 14-16 of this report.

## RECOMMENDATION Rejection

Staff Writer: Lucas Skinner E-mail: lucas.skinner@memphistn.gov

Staff Report Z 2022-004

June 9, 2022 Page 2

#### **GENERAL INFORMATION**

Street Frontage: Arnold Road +/-950.8 linear feet

East Shelby Drive +/-257 linear feet

**Zoning Atlas Page:** 

**Parcel ID:** 073102 00128

**Area:** +/-33.804 acres

**Existing Zoning:** Residential Urban – 3 (RU-3)

Requested Zoning: Employment (EMP)

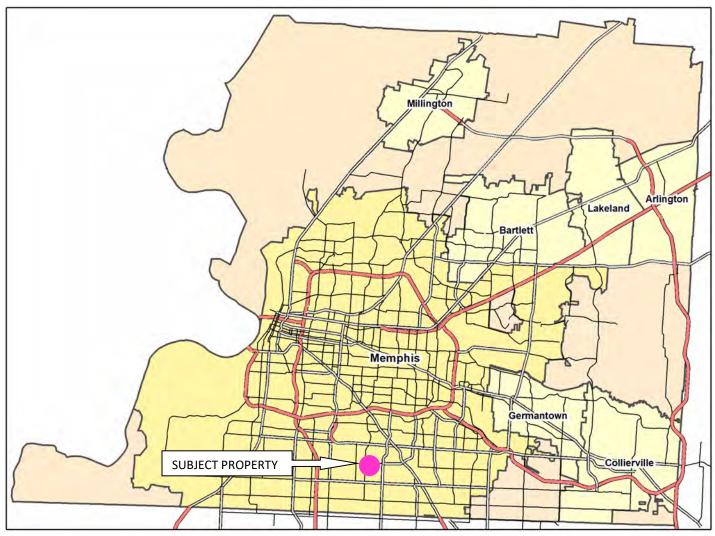
#### **NEIGHBORHOOD MEETING**

Note in accordance with Sub-Section 9.3.2E of the Unified Development Code (UDC) the applicant must hold a neighborhood meeting in compliance with the Section 9.3.2 of the UDC. Note all notice and timing requirements of this Section 9.3.2 still apply, but will be timed in conjunction with date the governing body (City Council) is expected to vote on the matter.

#### **PUBLIC NOTICE**

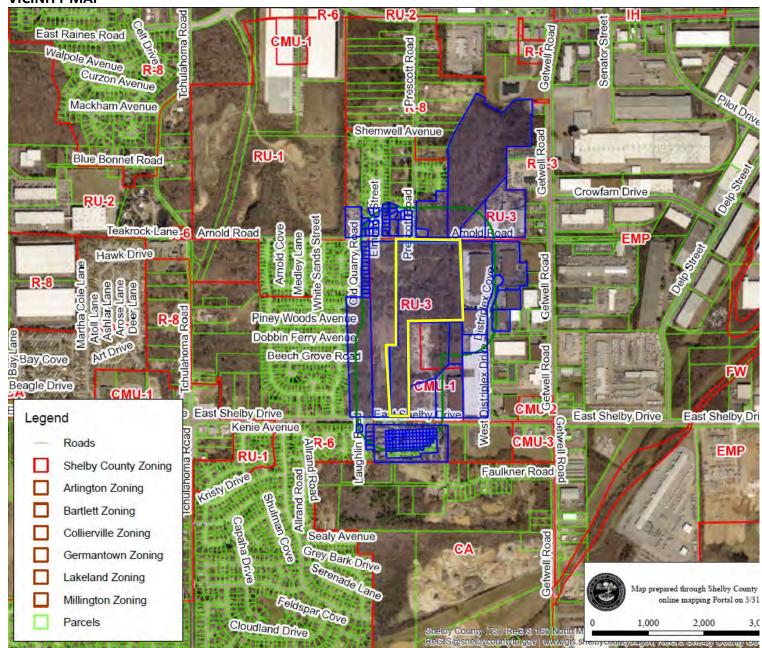
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 163 notices were mailed on May 25, 2022, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

## **LOCATION MAP**



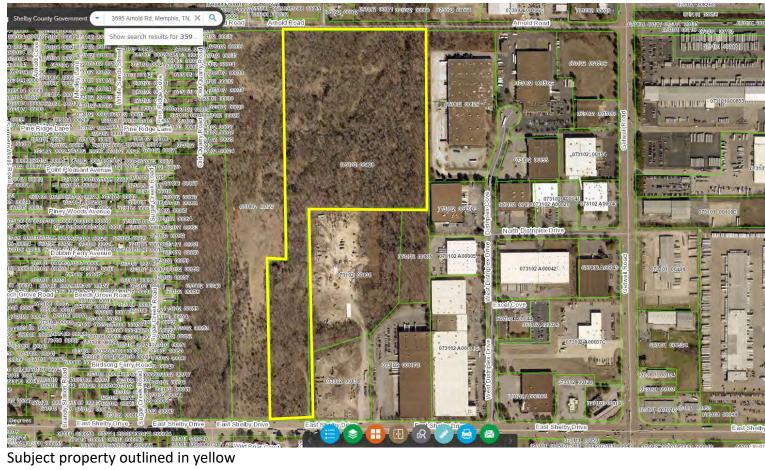
Subject property located within the pink circle, Oakhaven neighborhood

#### **VICINITY MAP**

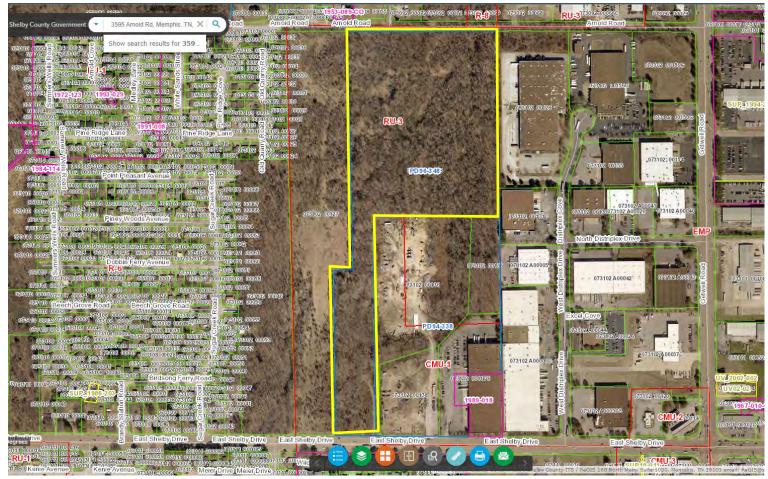


Subject property highlighted in yellow

## **AERIAL**



## **ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Residential Urban – 3 (RU-3)

**Surrounding Zoning** 

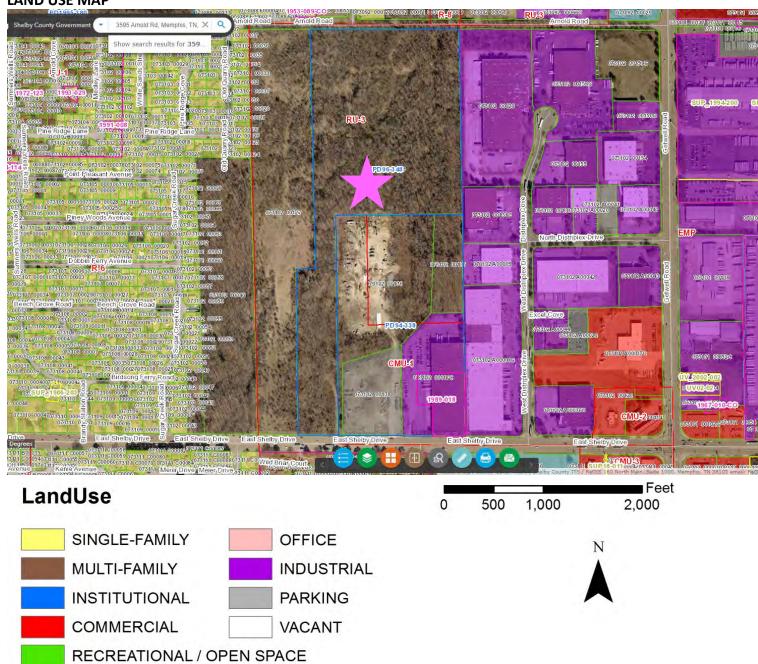
North: Residential Single-Family – 8 (R-8) and RU-3

East: EMP

South: CMU-1, RU-3

West: RU-3, RU-1, R-6

#### **LAND USE MAP**



Subject property indicated by pink star

# **SITE PHOTOS**



Aerial view of subject property from Arnold Road looking south (yellow line to delineate western property line)



Aerial view of subject property from Shelby Drive looking north (shape is approximate)

June 9, 2022 Page 9

# **STAFF ANALYSIS**

# Request

The application and letter of intent have been added to this report.

The request is to rezone +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP).

# **Review Criteria**

Staff disagrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### 9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Con	nsistency with any	ı plans to be coı	nsidered (see	Chapter 1.9);
---------------	--------------------	-------------------	---------------	---------------

- 9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;
- 9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;
- 9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and
- 9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

# **Site Description**

The subject property is +/- 33.8 acres located west side Getwell Road fronting on both Arnold Road on the north side and East Shelby Drive on the south side. The site is currently undeveloped and vacant with a heavy number of trees. The site is currently zoned Residential Urban – 3 (RU-3) and immediately abuts similar light industrial uses to the east. There are residential uses across Arnold Road to the northwest and further west from this site.

#### **Site Zoning History**

On February 4, 1997 the Memphis City Council approved the Shelby Drive Business Park Planned Development (PD 96-348) to allow light industrial uses. The PD was never acted on, and therefore expired. See the Council Resolution images below for more information:

#### RESOLUTION

WHEREAS, Section 14 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064, dated October 7, 1980, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and,

WHEREAS, Application has been made for a planned development for property located on the north side of East Shelby Drive, beginning 836.24 feet east of Sugar Creek Road, extending north to Arnold Road; and,

WHEREAS, The Office of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Section 14 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Land Use Control Board; and,

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on September 12, 1996 and said Board reported its recommendation to the City Council regarding the objectives, standards and criteria, and the effect of granting the planned development upon the character of the neighborhood and other matters pertaining to the public safety and general welfare; and,

WHEREAS, The Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board, and the report and recommendation of the Office of Planning and Development; and,

WHEREAS, The Council of the City of Memphis has held a public hearing on the planned development and has determined that the planned development meets the objectives, standards and criteria for a planned development, and said development is consistent with the public interests.

NOW, THEREFORE BE IT RESOLVED By the Council of the City of Memphis that the planned development is hereby granted for business and distribution uses in accordance with the outline plan incorporated in the application, and subject to the attached conditions.

BE IT FURTHER RESOLVED That the requirements of said aforementioned section of the Zoning Ordinance-Regulations shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan of development in accordance with said outline plan and the provisions of Section 14 of the Zoning Ordinance-Regulations.

cc: Building Official City Engineer Office of Planning and Development I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

FEB 4 1997

peputy Comptroller - Doundi Records

Shelby Drive Business Park Planned Development Outline Plan Conditions

PD 96-348 Page 1

#### Ι. USES PERMITTED:

- Any use permitted by right, administrative site plan approval in the I-L Light Industrial District with the following exceptions:
  - Amusements, commercial indoor and outdoor
  - 2. Heliport
  - 3. Campground, travel trailer park
  - 4. Drive-in theater
  - 5. Lumberyard
  - Mobile home sales
  - 7. Motor Vehicles sales
  - Sheet metal shop 8.
  - 9. Undertaking establishment

  - 9. Undertaking establishment 10. Brewery 11. Manufacture of chemical, cosmetic, drug, soap, paints, fertilizer and abrasive products
  - 12. Contractor's Storage, Outdoor
    13. Adult Entertainment
    14. Tavern, Cocktail Lounge, Night

  - Tavern, Cocktail Lounge, Nightclub
  - 15. Video Arcade
  - Commercial Parking Garage

  - 17. Taxicab Dispatch Station 18. Beverage Container Collection or Recycling Center 19. Motor Vehicle Sales or Service

  - 20. Pawn shops
  - Flea Markets, Used Goods, or Second Hand Sales

  - 22. Tobacco Products Manufacture 23. Landfill 24. Bus Terminal or Service Facility
  - Garbage or refuse collection service
- Uses requiring a Special Use Permit shall be approved in accordance with Section 9 of the Zoning Ordinance-Regulations unless specifically excluded above.

#### BULK REGULATIONS II.

- The bulk regulations for the I-L Light Industrial District in Chart 2 of the Zoning Regulations shall govern the development with the following exceptions:
  - Minimum Yard Requirements:

West PD boundary - 50 feet Arnold Road - 50 feet East PD boundary - 30 feet 801.43' South PD boundary - 30 feet East Shelby Drive - 30 feet Prescott Road - 30 feet

## **Conclusions**

The request is to rezone +/-33.8 acres from Residential Urban – 3 (RU-3) to Employment (EMP).

Historically, there was a previously approved planned development in early 1997 (PD 1996-348) for light industrial uses on this site. Though it has since expired, this request is in line with this previously approved outline plan (Shelby Drive Business Park).

The underlying purpose of this request is to allow the applicant to create a light industrial development, similar to those just to the east of the property. From the letter of intent, "If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs."

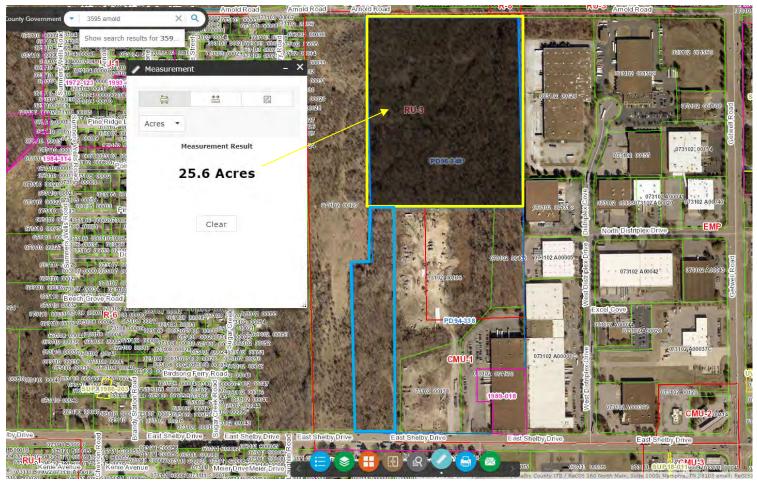
This site abuts existing light industrial uses and zoning along its entire eastern border, and would continue to provide a transition from the heavier industrial uses to the northeast along Raines Road. However, the site is adjacent and abutting multiple residential uses, the closest being a single-family use to the north across Arnold Road.

Moreover, this request was ultimately found to be inconsistent with the Memphis 3.0 plan due to the Future Land Use designating this site for multifamily (see pp. 14-16). Given the case and the need to be consistent with local plans, staff must recommend rejection, though staff feels that the case could be somewhat approvable given other parameters.

# RECOMMENDATION

Staff recommends rejection.

However, staff feels that given the issue of "split" compatibility and incompatibility with nearby uses, approval for Employment (EMP) for the northern (roughly 25.6 acres) portion of the site, and the southern portion remaining Residential Urban -3 (RU-3) could be a possible compromise. Staff feels this could still allow the development and promote the zoning nearest to the existing EMP uses to the east, while keeping the residential portion closest to the surrounding similar uses more toward the west. See the image below to see a graphic interpretation for the approval:



The yellow denotes the portion of the site to be approved for the Employment (EMP) zoning. The remaining southern portion (blue) would remain Residential Urban – 3 (RU-3).

Alternatively, the applicant could refile the application as a Planned Development. This would allow conditions of approval to provide flexibility in the approval and use of the southern portion of the site.

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City/County Engineer:** No comments received.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

City/County Health Department: No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

# Office of Comprehensive Planning:

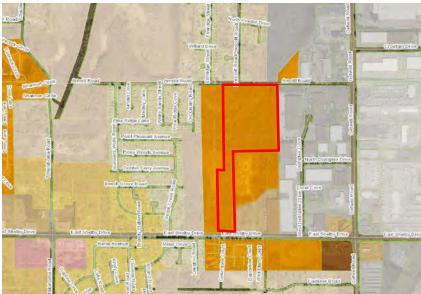
Site Address/location: 0 Arnold Road.

Land Use Designation (see page 88 for details): Primarily Multifamily Neighborhood (NM)

Based on the future land use and existing, adjacent land uses the proposal is <u>NOT CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 - 122:

# 1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

# 2. Land use description & applicability:

Multifamily Neighborhoods are characterized by their house and block size buildings that are a combination of attached, detached and semi attached homes. These neighborhoods are major residential hubs that consist of apartment complexes and condominiums and located greater than a 10-minute walk outside of the closest anchor. See graphic portrayal to the right.



# "NM" Goals/Objectives:

Preservation/maintenance of existing multi-family housing.

## "NM" Form & Location Characteristics:

Attached, semi-detached, and detached House-scale and some block-scale buildings. Primarily residential with mixed use encouraged along avenues, boulevards and parkways as identified in the Street Types Map. 1-3+ stories height Beyond 1/2 mile from a Community Anchor.

The applicant is seeking to rezone 33.8 acres from Residential Urban-3 (RU-3) to Employment (EMP) at 0 Arnold Road.

The request does not meet the criterial of NM because the proposed use will be a warehouse, serving mostly as an industrial land use. The addition of this development will disrupt the buffer between the low intensity single family uses on the west and high intensity industrial uses to the east.

# 3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Industrial, and Vacant. The subject site is surrounded by the following zoning districts: RU-3, R-6, and CMU-1. This requested land use is not compatible with the adjacent land uses because *some existing land uses surrounding the parcels is not similar in nature to the requested use.* 

## 4. Degree of Change map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

# 5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal is <u>NOT CONSISTENT</u> with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Faria Urmy, Comprehensive Planning.

# **APPLICATION**



# Memphis and Shelby County Office of Planning and Development CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

# APPLICATION FOR REZONING APPROVAL

Date: April 18, 2022		Case #:	
	PLEASE TYPE	OR PRINT	
Property Owner of Record: Zero Arnold F	Road, LLC	Phone #:	
Mailing Address: P.O Box 848		City/State; Lakewood, NJ	Zip 08701-0848
Property Owner E-Mail Address:			
Applicant: Jonathan Whitman		Phone #	
Mailing Address: same as above		City/State:	Zip
Applicant E- Mail Address: jonathan.whi	tman@yahoo.com		
Representative: Josh Whitehead		Phone #: 90	01-524-5127
Mailing Address: 130 North Court Ave.		City/State: Memphis, TN	
Representative E-Mail Address: jwhitehe	ad@memphistn.gov		
Engineer/Surveyor:		Phone #	
Mailing Address:			
Engineer/Surveyor E-Mail Address:			
Street Address Location:			
Distance to nearest intersecting street: _			
	Parcel 1	Parcel 2 Par	rcel 3
Area in Acres:	33.8 acres		
Existing Zoning:	RU-3 multi-family		
Existing Use of Property	vacant warehouse		
Requested Use of Property Requested Zoning	EMP employment		
	April 11 2022	Lucas Skinner	
Pre-Application Conference held on:	April 11, 2022 wi	th Lucas Skinner	
Neighborhood Meeting Requirement		Not Yet or Not Required (se	
	(If yes, docum	nentation must be included with a	pplication materials)
I (we) hereby make application accompanying materials. I (we)			
result in the postponement of the			
Land Use Control Board at the ne	xt available hear	ing date. I (We), owner(s) of	the above described
property hereby authorize the filing o			act on my behalf.
0 ARNOLD ROAD, LLC	04/27/22	Sputhenlih Anan	04/27/22
Property Owner of Record	Date Ap	plicant	Date

#### LETTER OF INTENT



LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpilaw.com

May 5, 2022

Brett Ragsdale Zoning Administrator Memphis and Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103

RE: proposed rezoning on north side of Shelby between Ichulahoma and Getwell

Mr. Ragsdale:

On behalf of Zero Arnold Road, LLC and Jonathan Whitman, I am pleased to submit the attached application for a rezoning on the north side of Shelby Drive between Tchulahoma and Getwell.

This 33.8-acre site is currently zoned Residential Urban-3 (RU-3), which allows for multi-family uses. We believe those uses permitted in the Employment (EMP) district would have a greater positive effect on both the immediate neighborhood and the city as a whole than an apartment community at this location. Indeed, Oakhaven has been and remains one of the strongest employment zones in metropolitan Memphis, a major factor in the neighborhood's continued stabilization.

The Memphis 3.0 General Plan's Future Land Use Planning Map identifies the subject parcel as it is zoned, as multi-family housing (see Exhibit A). However, the parcel is adjacent, both to the north and to the east, to properties identified in the Future Land Use Planning Map as "industrial flex," a light industrial land use designation. The current land use and zoning of adjacent properties is one of the key factors for determining consistency with the Memphis 3.0 General Plan. The subject site is immediately adjacent to industrial zoning districts and/or industrial conditional zoning (see Exhibit B).

If successfully rezoned, we plan on improving the site with a 450,000 square foot warehouse. Based on comparable sites in the immediate vicinity, we expect this development to produce approximately \$450,000 in City and County taxes on an annual basis. As \$781.17 in taxes are currently paid, this represents a 576-fold increase. In addition, we anticipate a warehouse of this size generating several hundred jobs.

We believe that the proposed rezoning is not only consistent with Memphis 3.0, but also with previous actions taken on the subject parcel. On February 4, 1997, the Memphis City Council approved an industrial planned development at this location (case no. PD 96-348), but that entitlement has long since expired. Many of the innovations incorporated into the Unified Development Code (the "UDC") when it was adopted in 2010, such as increased streetscape and landscaping requirements, were meant to lessen the community's reliance on the planned development tool. We believe the UDC's EMP district, which replaced the former zoning code's Light Industrial district, serves as an ideal transitional zoning between the industrial uses to the east of the site and residential uses to its west.

Sincerely,

Josh Whitehead

May 5, 2022 Page 2

Exhibit A: Memphis 3.0 Future Land Use Planning Map of the area (subject site is indicated by a star; orange equates to multi-family future land uses and grey equates to "industrial flex")

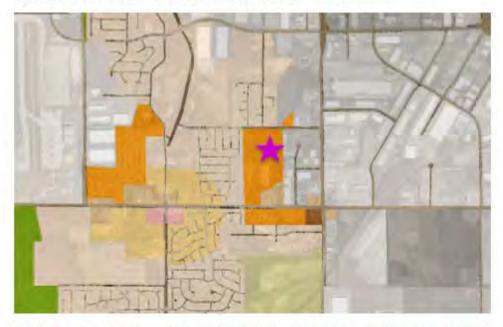


Exhibit B: industrial zoning and industrial conditional zoning in the area (indicated in red; the subject site is indicated by a star)



Burch, Porter & Johnson, PLLC

# **SIGN AFFIDAVIT**

# **AFFIDAVIT**

Shelby County	
State of Tennessee	
consideration of a proposed Land Use	the Land Use Control Board, by County Board of Commissioners for Action (Planned Development, Street on(s) being attached hereon and a copy of
Owner, Applicant or Representative	Date
Subscribed and swom to before me this 20	may of May 2022
Notary Public  My commission expires: 2 2 2 2 10	M. BUGO STATE OF OF TENNESSEE NOTARY PUBLIC



# **LETTERS RECEIVED**

No letters received at the time of completion of this report.



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

June 14, 2022

Jonathan Whitman - Zero Arnold Road, LLC.

Sent via electronic mail to: <a href="mailto:jonathan.whitman@yahoo.com">jonathan.whitman@yahoo.com</a>

Case Number: Z 2022-004

LUCB Recommendation: Rejection

Dear applicant,

On Thursday, June 9, 2022, the Memphis and Shelby County Land Use Control Board recommended *rejection* of your rezoning application located at 3595 Arnold Road to be changed from Residential Urban – 3 (RU-3) to Employment (EMP).

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at <a href="mailto:lucas.skinner@memphistn.gov">lucas.skinner@memphistn.gov</a>.

Respectfully,

Lucas Skinner Municipal Planner

Lucus Min

Land Use and Development Services

# Letter to Applicant Z 2022-004

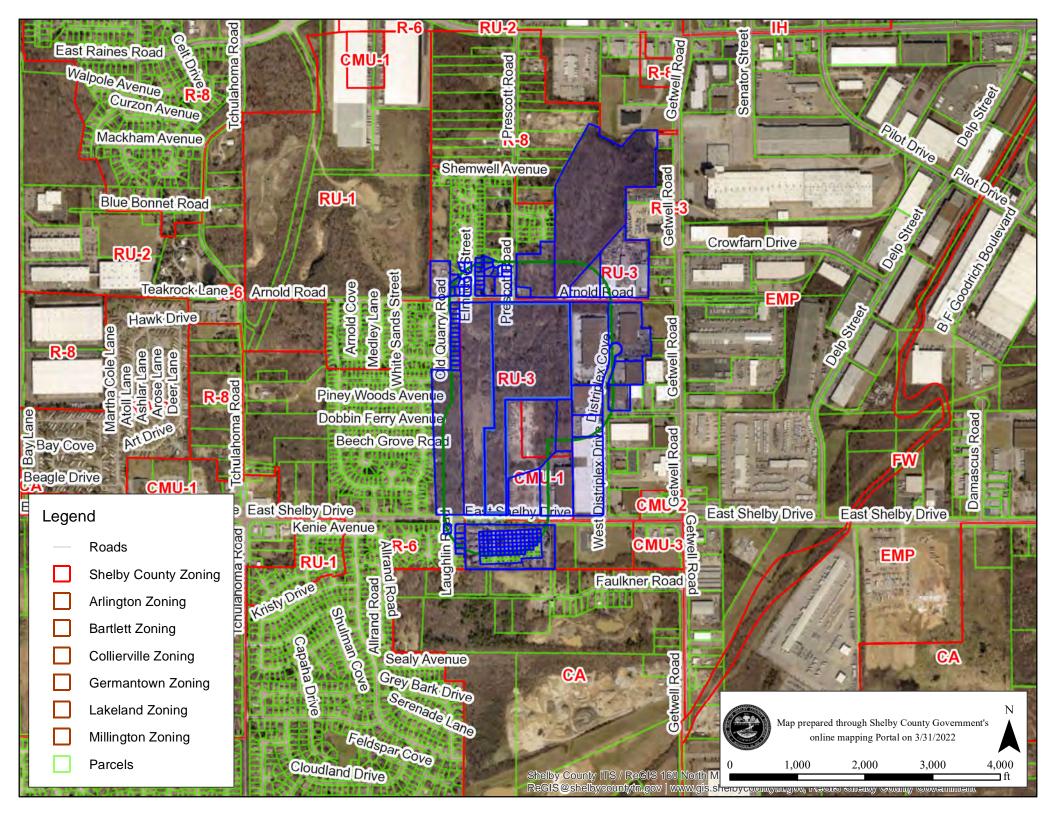
Division of Planning and Development

Cc: Josh Whitehead – Burch Porter Johnson File

# NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP OF THE CITY OF MEMPHIS

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, October 11, 2022 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

<b>CASE NUMBER:</b>	Z 2022-004		
LOCATION:	3595 Arnold Road -	South side of A	Arnold Road +/-1,259 feet west of Getwell Road
COUNCIL DISTRICTS:	District 3 and Super	District 8 – Po	sitions 1, 2, and 3
OWNER/APPLICANT:	Jonathan Whitman		
REPRESENTATIVE:	Josh Whitehead – B	urch, Porter, Jo	hnson
REQUEST:	Rezoning of +/-33.8	acres from Res	sidential Urban – 3 (RU-3) to Employment (EMP
RECOMMENDATIONS:			
Memphis and Shelby Coun	y Division of Planning	g and Developn	ent: <b>Rejection</b>
Memphis and Shelby Count	ty Land Use Control B	oard: <i>Rejection</i>	
Main Street, Memphis, Ter such remonstrance's or prot you will be present if you w	nnessee 38103 to hear rests must be by persor rish to remonstrate or p d at the Planning and	remonstrance's nal appearances, protest against to Zoning Commi	ttee on the same day with the specific time to be
THIS THE A	august 31	<u>2022</u>	
THIS THE ATTEST:	ugust 31	2022	MARTAVIUS JONES CHAIRMAN OF COUNCIL



DRAGON WOODLAND SAWMILL CORP	EDWARDS MARY J AND EDITH EDWARDS AND	LOVE JACKIE
129 N WASHINGTON ST #	3529 ARNOLD RD #	8863 MISSION HILLS DR #
WEST HELENA AR 72390	MEMPHIS TN 38118	MEMPHIS TN 38125
HOWELL BEATRICE	ZERO ARNOLD ROAD LLC	SELF LAFREDERICK
4322 PROCTOR DR N	PO BOX 848 #	4697 QUEENS LACE CT #
MEMPHIS TN 38118	LAKEWOOD NJ 8701	MEMPHIS TN 38118
ODENEAL REAFEDELL	CARTER PERRY AND GIOVANNI WOODHOUSE	DAVIS CURTIS L
4377 ELMRIDGE ST #	4424 OLD QUARRY RD #	5406 JORDAN DR #
MEMPHIS TN 38118	MEMPHIS TN 38118	MEMPHIS TN 38116
MASUYAMA IKUO	WOODS WILLIAM C & CHARLINE 4470 OLD QUARRY RD # MEMPHIS TN 38118	JONES MICHAEL A 4703 QUEEN LACE CT # MEMPHIS TN 38118
TAYLOR STANFORD & DENISE	BROWN MAE B	MILES GWENDOLYN V
3585 CARLOCK CV #	4476 OLD QUARRY RD #	4707 QUEENS LACE CT #
MEMPHIS TN 38118	MEMPHIS TN 38118	MEMPHIS TN 38118
MOORE MICHAELA E AND MALAIKE E MOORE AND	HURT ALICE Y	JACKSON CRYSTAL R
3581 CARLOCK CV #	3520 OLD GETWELL RD #	4721 QUEENS LACE CT #
MEMPHIS TN 38118	MEMPHIS TN 38118	MEMPHIS TN 38118
WILLIAMS JUAQUANNA	HAILEY JESSE E AND DEBBRA R HAILEY	LEE LAWRENCE H III
4397 ELMRIDGE ST #	4687 LAUGHLIN RD #	3962 GLENDALE #
MEMPHIS TN 38118	MEMPHIS TN 38118	MEMPHIS TN 38128
CHRIST REVIVAL TEMPLE MINISTRIES INC 4448 PINE RIDGE CV # MEMPHIS TN 38118	4688 LAUGHLIN RD #	TOLLIVER BRIAN 4735 QUEENS LACE CT # MEMPHIS TN 38118
LEGACY ENDURES INVESTMENTS LLC 2031 JANIS DR # MEMPHIS TN 38116	RODRIGUEZ JOSE L & GUILLERMINA HERNANDEZ 4406 PRESCOTT RD # MEMPHIS TN 38118	

AZIZ FUAD I & LESLIE R

3526 ARNOLD #

MEMPHIS TN 38118

LANEHART SHIRLEY A

MEMPHIS TN 38118

4701 COLUMBINE CT #

KIEFFER INVESTMENTS LLC

5683 S ZANTE CIR #

AURORA CO 80015

JONES KORDOREO SHELBY MEADOWS CONDOMINIUMS INC 3567 MORNING DEW CT 165 MADISON AVE # MEMPHIS TN 38118 MEMPHIS TN 38103 HERNANDEZ CARLOS R AND LEIDY S GONZALES 1515 BALTIMORE ST # MEMPHIS TN 38114 WALKER WILLIE B JR & DEBRA M GRIFFIN DARTHIA J
3299 LUCIBILL RD # 4750 HORN LAKE RD # GRAYER MARGARET A 4373 ELMRIDGE # MEMPHIS TN 38116 MEMPHIS TN 38109 MEMPHIS TN 38118 DURR-PERRY JENNIFER 3558 FIELD FLOWERS CT MEMPHIS TN 38118 TOWNSEND BRIAN 4718 QUINTELL AVE WILSON PATRICIA A 4372 ELMRIDGE ST # MEMPHIS TN 38128 MEMPHIS TN 38118 JOHNSON KENNETH E MOORE DOROTHY M
5409 PRECIOUS STONE CV # 4697 WILD PLUM CT # BOLDEN MELVIN L & ARA ANNA S 4377 PRESCOTT RD # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38109 BIRCHDALE LLC MCMILLIAN GAIL L STRONG OPHELIA A AND OPHELIA ROBINSON 1661 INTERNATIONAL PLACE DR #400 1536 EDGESIDE CT #
MEMPHIS TN 38120 RALEIGH NC 27609 3575 CARLOCK CV # MEMPHIS TN 38118 CARTWRIGHT RICHARD SR 5473 LASTRADA # LEAKE MELVENA (2/3%) AND YVETTE LEAKE SHEFFA L C & ZONNIE B 4632 HONEY SUCKLE LN # 4378 ELMRIDGE ST # MEMPHIS TN 38116 MEMPHIS TN 38109 MEMPHIS TN 38118 RHODES PROPERTIES 1 LLC COLLIER TRENT A WILSON JANICE A 7545 BRITNEYWOODS CIR # ARLINGTON TN 38002 PO BOX 2010 # 4384 ELMRIDGE ST # OLIVE BRANCH MS 38654 MEMPHIS TN 38118 WALLER JAMES E AND JEREMY J WALLER (RS) DAVIS LEWIS A BOLDEN MELVIN & ARA 3557 FIELD FLOWER CT # 3612 ORANGE BLOSSOM CT # 4377 PRESCOTT RD # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38118 3563 FIELD FLOWER CT # 5409 PRECIOUS STONE CV # 64564 RESEARCH RD # WAINWRIGHT JOHN H & CHERYSE F JOHNSON KENNETH E MCKIE KEVIN MEMPHIS TN 38118 MEMPHIS TN 38109 BEND OR 97703

RHODES PROPERTIES 1 LLC ATKINS ANCHERNYCE T R & CALVIN ARANDA LEONARDO PO BOX 2010 # 6572 KIRBY GATE CV # OLIVE BRANCH MS 38654 MEMPHIS TN 38119

4389 ELMRIDGE ST # MEMPHIS TN 38118

RODGERS ISAAC H & VERLEE L EDWARDS BONITA K
3560 ARNOLD RD # 4482 OLD QUARRY RD # MILLER JOYCE A 4721 COLUMBINE CT # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38118 FOOTS SHELLEY L 4393 ELMRIDGE ST # GOPALSAMY GOVINDARAJAN HELAND INVESTMENTS LLC 6156 W BRANCH RD # 5810 SHELBY OAKS DR #B MEMPHIS TN 38118 SAN RAMON CA 94582 BARTLETT TN 38134 TWEDT DANIEL J 5136 OVERVIEW RDG # MCNEAL LASALLE 3842 OAKSHIRE ST # MOODY VINCENT C 3331 BESTWAY DR # MEMPHIS TN 38141 MEMPHIS TN 38109 MEMPHIS TN 38118 4660 REALTY CORP 4660 DISTRIPLEX DR W TWEDT DANIEL BRANCH HOLDINGS LLC 5136 OVERVIEW RDG # 778 E SHELBY DR # MEMPHIS TN 38141 MEMPHIS TN 38118 MEMPHIS TN 38116 BUTLER PROPERTIES LLC MCKAY DIANNE BONNER ROBERT 4707 LAUGHLIN RD # 4435 SUMMER AVE # 4735 COLUMBINE CT # MEMPHIS TN 38122 MEMPHIS TN 38118 MEMPHIS TN 38118 TRISTAR DISTRIPLEX LLC 2283 GOBER RD # LUMPKIN SHELIA L GASTON LAVESTIA 4430 OLD QUARRY RD # 12555 RIVER BEND DR # MEMPHIS TN 38118 BISHOP GA 30621 OLIVE BRANCH MS 38654 SEGURA JOSE 1544 W 94TH ST # LOS ANGELES CA 90047 M E D PROPERTIES LLC LOPEZ-GLENN ANGELLA 3740 ARNOLD RD # 1834 KENDALE AVE # MEMPHIS TN 38118 MEMPHIS TN 38114 MOORE CHARLES D INGRAM WILLIE F
PO BOX 986 # 3532 ARNOLD RD #
COLLIERVILLE TN 38027 MEMPHIS TN 38118 SMITH CLARENCE JR AND ALLEAN BENSON 8845 TCHULAHOMA RD # SOUTHAVEN MS 38671 KEY AMY S 4660 REALTY CORP STORY JEANETTE G 4660 DISTRIPLEX DR W 4460 OLD QUARRY RD # 4872 HIGH POINT CV # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38109

NINE ZERO ONE HOLDINGS LLC KEYS RENETTA L
4709 COLUMBINE CT # MEMPHIS TN 38187

MEMPHIS TN 38118

VAUGHAN INVESTMENT CORP 4593 TAMMY LN # MEMPHIS TN 38116

HALL FLORENCE THOMPSON CONNIE SANDERS LORETTA R 3555 MORNING DEW CT # 1997 MOORE RD # 4723 MORNING GLORY CT # MEMPHIS TN 38118 RED BANKS MS 38661 MEMPHIS TN 38118 ROSS CEDRIC L REED MICHAEL PARTEE BOBBY PO BOX 751164 # 3229 E RAINES RD # 2459 TARBET DR # MEMPHIS TN 38175 MEMPHIS TN 38118 MEMPHIS TN 38119 SANDERS KATHERINE DARBY KOREY SANDERS KATHERINE 3561 MORNING DEW CT # GARNER SHERRI E 37 ASPINWALL RD # 4729 MORNING GLORY CT # MEMPHIS TN 38118 BOSTON MA 2124 MEMPHIS TN 38118 WOODS CECELIA HARRIS HARRY & ANITA WALTON FELECIA L 3556 MORNING DEW CT # 3563 MORNING DEW CT # 4735 MORNING GLORY CT # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38118 JOHNSON REGINALD TOLLIVER BRIAN ESTATE VENTURES LLC TR 3562 MORNING DEW CT # MEMPHIS TN 38118 4146 CARROLL DR W PO BOX 751224 HORN LAKE MS 38637 MEMPHIS TN 38118 MEMPHIS TN 38175 ESTATE VENTURES LLC PO BOX 751225 COLLIER TRENT A MYRA LLC 7545 BRITNEYWOODS CIR # PO BOX 281 ARLINGTON TN 38002 MEMPHIS TN 38175 ASHBURN VA 20148 FOXTROT REAL ESTATE LLC LEWIS DARRYL & LASAVIA BOUIE-PALMER KIM 1389 SANDY STONE LN 7185 E DRY CREEK CIR # 4734 MORNING GLORY CT # CORDOVA TN 38016 CENTENNIAL CO 80112 MEMPHIS TN 38118 EASTER DOROTHY M CRAWFORD DONALD S II GAUSE RAYMOND P O BOX 30642 # 4702 LAUGHLIN RD # 4736 MORNING GLORY CT MEMPHIS TN 38130 MEMPHIS TN 38118 MEMPHIS TN 38118 HOLMES RALPH W

JONES VERONICA W HYDE LAWARNER J HOLMES RALPH W
10435 ASHBORO DR # 4708 LAUGHLIN RD # 3622 ORANGE BLOSSOM CT #
COLLIERVILLE TN 38017 MEMPHIS TN 38118 MEMPHIS TN 38118

BRIGHT ALVINOR & RUBY STRICKLAND RICKY V 8066 DOGWOOD VILLA # 4716 LAUGHLIN RD # GERMANTOWN TN 38138 MEMPHIS TN 38118 CLEABORN CAROLYN PO BOX 16021 # MEMPHIS TN 38186 WARD YOLANDA
3618 ORANGE BLOSSOM CT #
MEMPHIS TN 38118

WILLIAMS REALTY AND INVESTMENTS LLC
941 E RAINES RD #
MEMPHIS TN 38116

PREMSRIRUT RUTT
3993 HOWARD HUGHES PKWY #140
LAS VEGAS NV 89169

W N WINTCO 3431 HOMBLY RD # HOUSTON TX 77066 DAVIS WILLIE JR 2030 MCPHERSON RD # MEMPHIS TN 38116

HALL RODNEY 5535 KINDLE HILL ST MEMPHIS TN 38141

BRUCE JUEL L 418 N ARMISTEAD ST #T4 ALEXANDRIA VA 22312 TALIAFERRO KEDRICK 4734 COLUMBINE CT # MEMPHIS TN 38118

BRIGHT DOOR PROPERTY LLC 3380 KEYSTONE AVE MEMPHIS TN 38128

BANKS SYLVIA M 3613 ORANGE BLOSSOM CT # MEMPHIS TN 38118 4660 REALTY CORPORATION 4660 DISTRIPLEX DR W MEMPHIS TN 38118 DAVIS WILLIE JR 2030 MCPHERSON RD MEMPHIS TN 38116

GRIFFIN WILLIAM 5049 GOLDEN OAKS # MEMPHIS TN 38118

ALTO ASSET CO 1 LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746

APPICE CARMINE JR LIVING TRUST 16633 VENTURA BLVD #1450 ENCINO CA 91436

GRIFFIN WILLIAM 5049 GOLDEN OAKS # MEMPHIS TN 38118 ARMM ASSET CO 1 LLC 5001 PLAZA ON THE LAKE #200 AUSTIN TX 78746 COLLIER TRENT 7545 BRITNEYWOODS CIR ARLINGTON TN 38002

WILLIAMS FAMILY RLT 2020 687 OASIS CV # CORDOVA TN 38018 NM PLEX LLC 1605 LBJ FWY #710 DALLAS TX 75234 AUTRY KENNETH M 4707 WILD PLUM CT #100 MEMPHIS TN 38118

CRUTCHFIELD WALTER
4726 QUEENS LACE CT #
MEMPHIS TN 38118

SEALY DISTRIPLEX DR WEST ONE LLC 333 TEXAS ST #1050 SHREVEPORT LA 71101 CHINA MANUFACTURER'S ALLIANCE LLC 406 E HUNTINGTON DR #200 MONROVIA CA 91016

YAHN ROBERT 3198 OLD BROWNSVILLE RD # BARTLETT TN 38134 SAINE INVESTMENTS LLC 5015 PEACH BLOSSOM CV #200 MEMPHIS TN 38125 SEALY DISTRIPLEX COVE LLC 333 TEXAS ST #1050 SHREVEPORT LA 71101

DOUGLAS ISAIAH 1413 PRESTON ST # MEMPHIS TN 38106 JETT MARICO 7857 ELLEN DR #8 SOUTHAVEN MS 38671 SEALY DISTRIPLEX DR NORTH ONE LLC 333 TEXAS ST #1050 SHREVEPORT LA 71101 SEALY DISTRIPLEX DRIVE W TWO L L C HURLEY TARCHA 333 TEXAS ST #1050 SHREVEPORT LA 71101

4524 SPRING VIEW LN #4300 KELLER TX 76244

PLYMOUTH 3650 DISTRIPLEX TN LLC WILLIAMS ROBERT L JR 20 CUSTOM HOUSE ST #11 BOSTON MA 2110

8747 TANOAK DR GERMANTOWN TN 38138

PLYMOUTH 3650 DISTRIPLEX TN LLC 20 CUSTOM HOUSE ST #11 BOSTON MA 2110

CLEABORN CAROLYN PO BOX 16021 MEMPHIS TN 38186

SHELBY COUNTY 160 N MAIN ST #350 MEMPHIS TN 38103

ECONOMIC DEV GROWTH ENGINE INDUSTRIAL 100 PEABODY PL #1100 MEMPHIS TN 38103

SHELBY MEADOWS CONDOMINIUMS INC 3092 POPLAR AVE #17 MEMPHIS TN 38111

SHELBY MEADOWS CONDOMINIUMS INC 3092 POPLAR AVE #17 MEMPHIS TN 38111

REDICK BRIAN 3380 KEYSTONE AVE MEMPHIS TN 38128

SHELBY MEADOWS CONDOMINIUMS INC 3092 POPLAR AVE #17 MEMPHIS TN 38104

HAMMOND SHERRY T 3560 MORNING DEW CT #13 MEMPHIS TN 38118

# CITY OF MEMPHIS COUNCIL AGENDA CHECK OFF SHEET

ONE ORIGINAL | Planning & Development ONLY STAPLED | **DIVISION |TO DOCUMENTS| Planning & Zoning COMMITTEE:** 09/13/2022 DATE **PUBLIC SESSION:** 10/11/2022 DATE ITEM (CHECK ONE) RESOLUTION X REQUEST FOR PUBLIC HEARING X ORDINANCE **ITEM CAPTION:** Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 5481 Davidson Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 2022-005 **CASE NUMBER:** Z 2022-005 LOCATION: 5481 Davidson Road District 3 and Super District 8 - Positions 1, 2, and 3 **COUNCIL DISTRICTS: OWNER/APPLICANT:** Cedarwoods Farms LLC./ Tom McCrary - Scannell Properties **REPRESENTATIVES:** Josh Whitehead - Burch Porter Johnson **REQUEST:** Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment (EMP) **RECOMMENDATION:** The Division of Planning and Development recommended Approval The Land Use Control Board recommended Approval RECOMMENDED COUNCIL ACTION: Public Hearing Required Set date for first reading – September 13, 2022 Second reading – September 27, 2022 Third reading – October 11, 2022 PRIOR ACTION ON ITEM: APPROVAL - (1) APPROVED (2) DENIED 08/11/2022 DATE (1) Land Use Control Board ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE **FUNDING:** REQUIRES CITY EXPENDITURE - (1) YES (2) NO AMOUNT OF EXPENDITURE REVENUE TO BE RECEIVED SOURCE AND AMOUNT OF FUNDS **OPERATING BUDGET** CIP PROJECT # FEDERAL/STATE/OTHER ADMINISTRATIVE APPROVAL: **DATE POSITION** Lucas Skinner 08/31/2022 MUNICIPAL PLANNER **DEPUTY ADMINISTRATOR ADMINISTRATOR** DIRECTOR (JOINT APPROVAL) COMPTROLLER FINANCE DIRECTOR CITY ATTORNEY CHIEF ADMINISTRATIVE OFFICER

**COMMITTEE CHAIRMAN** 



# Memphis City Council Summary Sheet

# Z 2022-005

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5481 DAVIDSON ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-005

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

# LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on *Thursday, August 11, 2022*, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 2022-005

LOCATION: 5481 Davidson Road

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties

**REPRESENTATIVE:** Josh Whitehead – Burch Porter Johnson

**REQUEST:** Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to

Employment (EMP)

The following spoke in support of the application: Josh Whitehead, Tom McCrary

The following spoke in opposition of the application: Angie Staggs, Y.C. Cox, Gary Votter

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

The motion passed by a vote of 7-0 on the regular agenda.

Respectfully,

Lucas Skinner **Municipal Planner** 

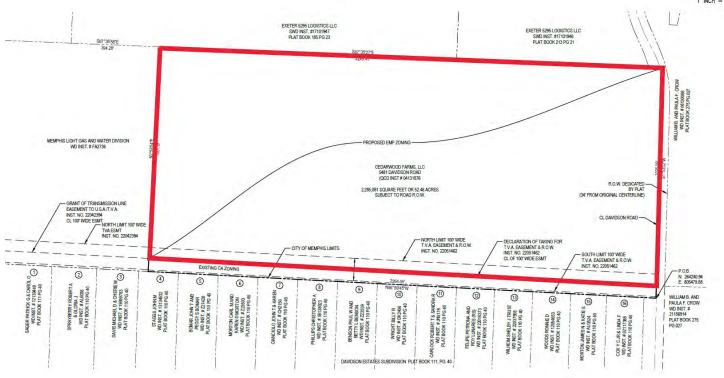
Land Use and Development Services

Division of Planning and Development

Cc: Committee Members

Lucas Shin.

File



ORDINANCE NO:	
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ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5481 DAVIDSON ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2022-005

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as Case Number: Z 2022-005; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS,** the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

#### **SECTION 1:**

**THAT**, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

# PARCEL 1

BEING A LEGAL DESCREPTION OF PART OF THE PROPERTY CONVEYED TO CEDARWOOD FARMS, LLC, OF RECORD IN QUIT CLAIM DEED INSTRUMENT NO.04131876 IN THE REGISTER'S OFFICE OF SHELBY COUNTY (S.C.R.O.) TENNESSEE AND SAID PROPERTY BEING LOCATED IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING

PART OF SECTION 13, TOWNSHIP 1-SOUTH, RANGE 7 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTER OF DAVIDSON ROAD AS PLATTED AT THE NORTHEAST CORNER OF DAVIDSON ESTATES SUBDIVISION AS RECORDED IN PLAT BOOK 111, PAGE 40 AND SAID POINT HAVING TENNESSEE STATE PLANE COORDINATES (NAD 83) OF

264,240.9415 FEET NORTH AND 805,479.8782 FEET EAST;

THENCE NORTH 01 DEGREES 53 MINUTES 02 SECONDS EAST ALONG SAID CENTERLINE 57.01 TO A POINT IN THE CENTERLINE OF A 100 FOOT WIDE TVA EASMENT OF RECORD IN INSTRUMENT NUMBER 22051462; SAID POINT BEING THE POINT OF BEGINNING AND HAVING TENNESSEE STATE PLANE COORDINATES (NAD 83) OF 264,297.9216 FEET NORTH AND 805,481.7525 FEET EAST;

THENCE NORTH 86 DEGREES 59 MINUTES 45 SECONDS WEST ALONG THE SAID TVA EASEMENT 2,263.86 FEET TO A POINT AT THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO THE CITY OF MEMPHIS FOR THE USE AND BENEFIT OF MEMPHIS LIGHT, GAS AND WATER DIVISION (MLGW) PER INSTRUMENT NO. FA 2736;

THENCE ALONG THE EAST LINE OF SAID MLGW PROPERTY (LEAVING THE CENTERLINE OF TVA EASEMENT) NORTH 02 DEGREES 58 MINUTES 54 SECONDS EAST 944.57 FEET TO THE NORTHEAST CORNER OF SAID MLGW PROPERTY AND BEING IN THE SOUTH LINE OF FINAL PLAT- PHASE 3 OF DAVIDSON ROAD INDUSTRIAL PARK P. D. AMENDED RECORDED IN PLAT BOOK 185, PAGE 23 (S.C.R.O.);

THENCE SOUTH 87 DEGREES 35 MINUTES 27 SECONDS EAST ALONG SAID SOUTH LINE AND THEN ALONG THE SOUTH LINE OF FINAL PLAT- PHASE 5 OF DAVIDSON ROAD INDUSTRIAL PARK P. D. AMENDED RECORDED IN PLAT BOOK 213, PAGE 21 (S.C.R.O.) AND THE PROJECTION THEREOF 2,245.43 FEET TO THE CALL EAST LINE OF SAID SECTION 13 AND BEING IN THE CENTERLINE OF DAVIDSON ROAD PRIOR TO IMPROVEMENTS;

THENCE SOUTH 01 DEGREES 53 MINUTES 02 SECONDS WEST ALONG SAID SECTION LINE AND FORMER CENTERLINE OF DAVIDSION ROAD PRIOR TO IMPROVEMENTS 968.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,156,010 SQUARE FEET OR 49.50 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY IN DAVIDSON ROAD.

NOTE: BEARINGS ARE BASED UPON TN STATE PLANE GRID (NAD 83)

## **SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

# **SECTION 3:**

**THAT,** this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

# **ATTEST:**

Division of Planning and Development

– Land Use and Development Services CC:

- Office of Construction Enforcement

**Shelby County Assessor** 

//: ATTACHMENTS

# dpd STAFF REPORT

**AGENDA ITEM:** 10

**CASE NUMBER:** Z 2022-005 **L.U.C.B. MEETING:** August 11, 2022

**LOCATION:** 5481 Davidson Road

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties

**REPRESENTATIVE:** Josh Whitehead – Burch Porter Johnson

**REQUEST:** Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employment

(EMP)

# **CONCLUSIONS**

- 1. The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).
- 2. The subject property is currently used as a residential site with horse stables on the property.
- 3. The underlying purpose of this request is to create a new site for future light industrial uses and warehousing, similar to what is happening around the site. Other than the homes to the south, the rest of the area is heavily commercialized and industrialized.
- 4. Staff finds the request is consistent with Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses. There were no other plans to relate this case to.

# **CONSISTENCY WITH MEMPHIS 3.0**

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 12-14 of this report.

# **RECOMMENDATION**

Approval

Staff Writer: Lucas Skinner@memphistn.gov

Staff Report Z 2022-005

July 29, 2022

Page 2

# **GENERAL INFORMATION**

Street Frontage: Davidson Road +/-1,025.09 linear feet

**Zoning Atlas Page:** 2540 and 2545

Parcel ID: 094200 00391

**Area:** +/-52.46 acres

**Existing Zoning:** Conservation Agriculture (CA)

**Requested Zoning:** Employment (EMP)

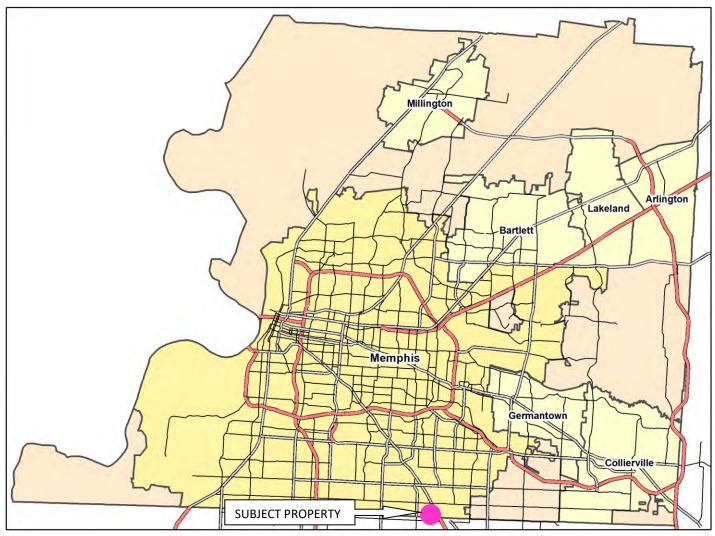
# **NEIGHBORHOOD MEETING**

Not required, zoning change is in compliance with all local plans including Memphis 3.0.

#### **PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 26 notices were mailed on July 28, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

# **LOCATION MAP**



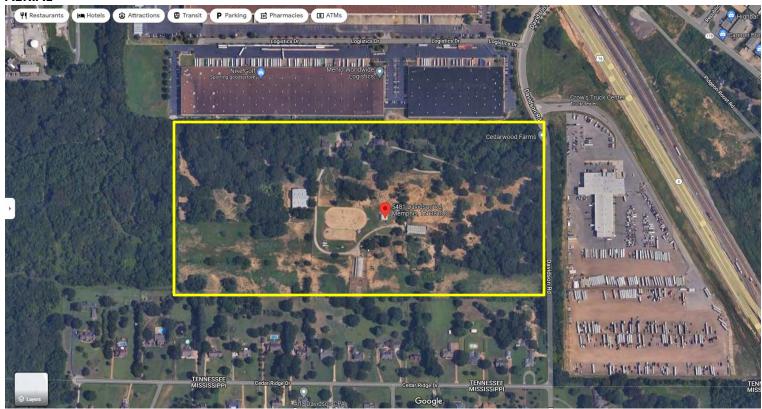
Subject property located within the pink circle, Southeast Memphis neighborhood

# **VICINITY MAP**



Subject property highlighted in yellow

# **AERIAL**



Subject property outlined in yellow

# **ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Conservation Agriculture (CA)

**Surrounding Zoning** 

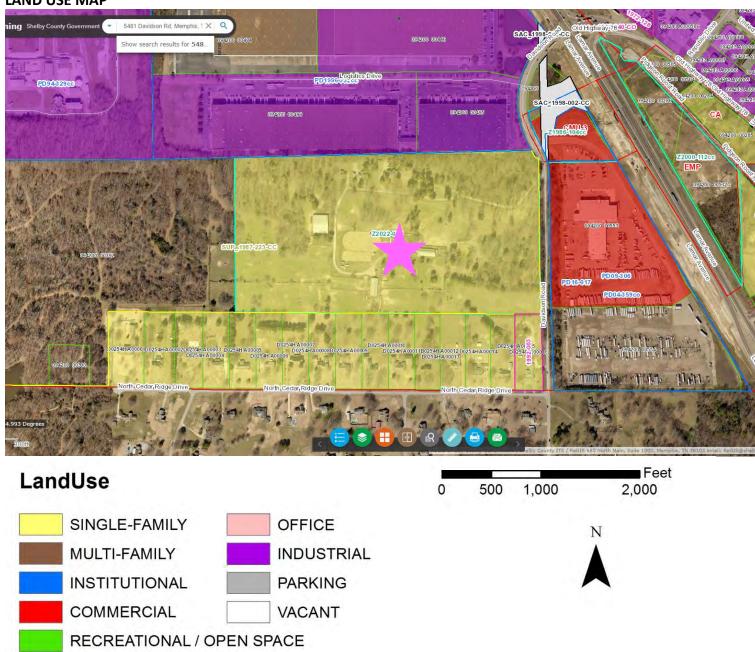
**North:** PD 1996-332 CC (EMP)

**East:** PD 16-017 (CMU-3, EMP)

**South:** CA

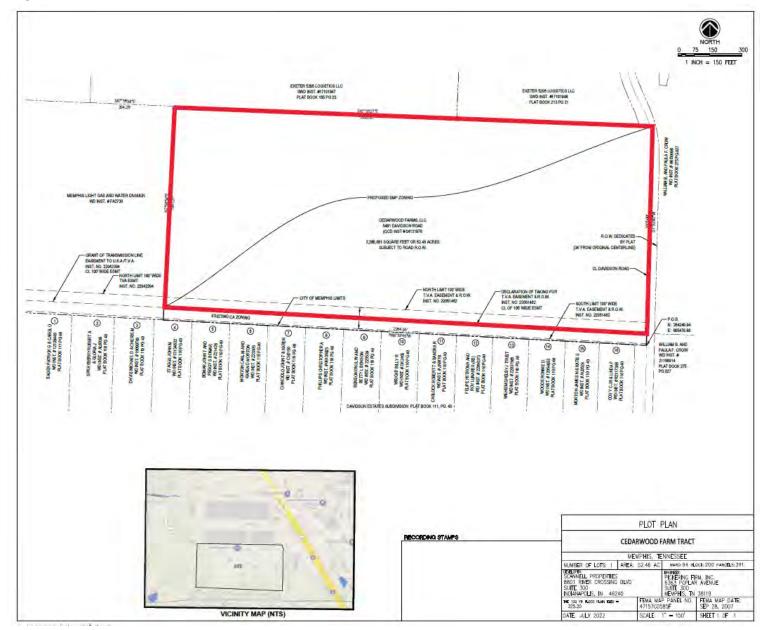
West: CA

# **LAND USE MAP**



Subject property indicated by pink star

# **PLOT PLAN**



# SITE PHOTOS



View of subject property from Davidson Road looking west



View of subject property from Davidson Road looking west



View of subject property from residential properties from Davidson Road looking northwest

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#### **STAFF ANALYSIS**

#### Request

The application and letter of intent have been added to this report.

The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).

#### **Review Criteria**

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### 9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1)	Consistency	with any	v plans to l	be considered	(see Chapter 1.9);

9.5.7B(2)	Compatibility with the present zoning (including any residential corridor overlay district) and
	conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3)	Suitability of the subject property for uses permitted by the current versus the proposed district;
-----------	-----------------------------------------------------------------------------------------------------

9.5.7B(4)	Whether the proposed change tends to improve the balance of uses, or meets a specific demand
	in the City or County; and

9.5.7B(5)	The availability of adequate police services, fire services, school, road, park, wastewater	
	treatment, water supply and stormwater drainage facilities for the proposed zoning.	

#### **Site Description**

The subject property is +/-52.46 acres located on the west side of Davidson Road at 5481 Davidson. The site is currently zoned Conservation Agriculture (CA) and remains the last large-lot residential site in the area. The site has a 100-foot TVA easement along the south side of the property. The property is surrounded by light industrial uses to the north and to the east across Davidson Road. To the south, there are residential properties, however they are in the County and not within the City limits. The site is heavily wooded along Davidson Road.

# **Conclusions**

The request is to rezone 52.46 acres from Conservation Agriculture (CA) to Employment (EMP).

The subject property is currently used as a residential site with horse stables on the property.

The underlying purpose of this request is to create a new site for future light industrial uses and warehousing, similar to what is happening around the site. Other than the homes to the south, the rest of the area is heavily commercialized and industrialized.

Staff finds the request is consistent with Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses. There were no other plans to relate this case to.

#### RECOMMENDATION

Staff recommends approval.

Staff Report Z 2022-005

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#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

# **City/County Engineer:**

CASE: Z-22-005 NAME: 5481 Davidson Rd (CA to EMP)

Sewers:

1. A sewer extension of approximately 2,000 feet will be required to serve this development.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

City/County Health Department: No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

# Office of Comprehensive Planning:

Site Address/Location: 5481 Davidson Rd

Overlay District/Historic District/Flood Zone: Not in an overlay district, historic district, or flood zone.

Future Land Use Designation: Industrial (I)

Street Type: Avenue/Rural

The applicant is requesting to rezone most of the subject parcel from Conservation Agriculture (CA) to Employment (EMP). The applicant is requesting that the southernmost 57-feet of the parcel retain the CA zoning designation to serve as a buffer between the parcel's industrial use and the residential properties to the south of the parcel.

The following information about the land use designation can be found on pages 76 – 122:

#### 1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

#### 2. Land Use Description/Intent

Higher intensity industrial areas. Graphic portrayal of I is to the right.



# "I" Form & Location Characteristics

Industrial, 1-10 stories.

#### "I" Zoning Notes

Generally compatible with the following zone districts: IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider rezonings, as appropriate, at the time of a small area plan to limit the use of this district specifically to noxious and/or incompatible high-intensity industrial uses.

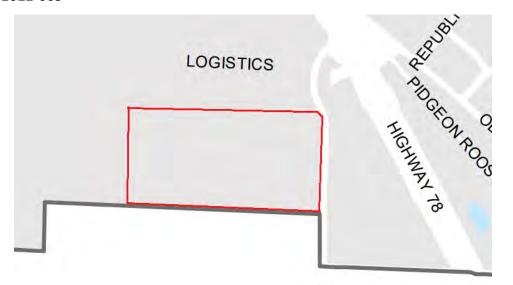
# **Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Single-Family, CA

Adjacent Land Use and Zoning: Single-Family, Industrial and Commercial; CA and CMU-3

**Overall Compatibility:** This requested rezoning is compatible with the future land use description/intent, form & location characteristics, and zoning notes as the EMP zoning district allows for industrial uses. The existing, adjacent land uses to the north and east are also consistent with this rezoning, and the residential land uses to the south of the parcel will be preserved by the 57-feet of the parcel that are requested to remain in the current CA zoning district.

# 3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. There is no Degree of Change.

4. Degree of Change Description

N/A

- 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities N/A
- 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations  $\ensuremath{\text{N/A}}$

#### **Consistency Analysis Summary**

The applicant is requesting to rezone most of the subject parcel from Conservation Agriculture (CA) to Employment (EMP). The applicant is requesting that the southernmost 57-feet of the parcel retain the CA zoning designation to serve as a buffer between the parcel's industrial use and the residential properties to the south of the parcel.

This requested rezoning is compatible with the future land use description/intent, form & location characteristics, and zoning notes as the EMP zoning district allows for industrial uses. The existing, adjacent land uses to the north and east are also consistent with this rezoning, and the residential land uses to the south of the parcel will be preserved by the 57-feet of the parcel that are requested to remain in the current CA zoning district.

Based on the information provided, the proposal is **CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

#### **APPLICATION**



#### MEMPHIS AND SHELBY COUNTY

# Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning Record Status: Assignment

Opened Date: June 28, 2022

Record Number: Z 2022-005 Expiration Date:

Record Name: Davidson Road rezoning

Description of Work: Reclassifying a portion of the property located at 5481 Davison Road from the CA,

Conservation Agriculture, district to the EMP, Employment, district.

Parent Record Number:

Address: 5481 DAVIDSON RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Owner Address

Owner Phone

Yes

CEDARWOOD FARMS

6485 POPLAR AVE, MEMPHIS, TN 38119

LLC

Parcel Information

Parcel No:

094200 00391

Page 1 of 3 Z 2022-005

Contact Information

Name Organization Name Contact Type Phone
Tom McCary Scannell Properties Applicant (763)
251-6300

Suffix:

Address

urt Ave., 130 East Cou	rt Avenue						524-5127
urt Ave., 130 East Cou	π Avenue	400 E O		4bi-	TN 00400		
		, 130 E C	ouπ Ave., N	nempnis	, IN 38103		
	Pickering Engineering			Architect /		(901)	
					Engine		726-0810
					Survey	or	
	0.5	DARWOO	D EADMO		0		(004)
Kannon Conway		CEDARWOOD FARMS LLC			Owner		(901) 435-0150
							400 0100
PLAR AVE, JERRE M	REEMAN	N, MEMPH	IIS, TN, MI	EMPHIS	TN 38119		
tion							
Fee Item	Quantity	Fees	Status	Balance	Date Assessed	Unit	Fee Code
Non-Residential Rezoning - 5 acres or	1	1,000.00	INVOICED	0.00	07/07/2022		PLNGREZO E02
Non-Residential	45	4,450.00	INVOICED	0.00	07/07/2022	Acres	PLNGREZO
Rezoning - each additional acre or							E04
Credit Card Use Fee (.026 x fee)	1	141.70	INVOICED	0.00	07/07/2022		PLNGREZO E09
t	PLAR AVE, JERRE M F ion Fee Item Non-Residential Rezoning - 5 acres or less Non-Residential Rezoning - each additional acre or fraction above 5 Credit Card Use Fee	PLAR AVE, JERRE M FREEMAN  ion  Fee Item Quantity  Non-Residential 1  Rezoning - 5 acres or  less  Non-Residential 45  Rezoning - each  additional acre or  fraction above 5  Credit Card Use Fee 1	PLAR AVE, JERRE M FREEMAN, MEMPHonion  Fee Item Quantity Fees Non-Residential 1 1,000.00 Rezoning - 5 acres or less Non-Residential 45 4,450.00 Rezoning - each additional acre or fraction above 5 Credit Card Use Fee 1 141.70	PLAR AVE, JERRE M FREEMAN, MEMPHIS, TN, Milion  Fee Item Quantity Fees Status Non-Residential 1 1,000.00 INVOICED Rezoning - 5 acres or less Non-Residential 45 4,450.00 INVOICED Rezoning - each additional acre or fraction above 5 Credit Card Use Fee 1 141.70 INVOICED	PLAR AVE, JERRE M FREEMAN, MEMPHIS, TN, MEMPHIS, ion  Fee Item Quantity Fees Status Balance Non-Residential 1 1,000.00 INVOICED 0.00 Rezoning - 5 acres or less Non-Residential 45 4,450.00 INVOICED 0.00 Rezoning - each additional acre or fraction above 5 Credit Card Use Fee 1 141.70 INVOICED 0.00	CEDARWOOD FARMS LLC Owner  PLAR AVE, JERRE M FREEMAN, MEMPHIS, TN, MEMPHIS, TN 38119  ion  Fee Item Quantity Fees Status Balance Date Assessed Non-Residential 1 1,000.00 INVOICED 0.00 07/07/2022 Rezoning - 5 acres or less Non-Residential 45 4,450.00 INVOICED 0.00 07/07/2022 Rezoning - each additional acre or fraction above 5 Credit Card Use Fee 1 141.70 INVOICED 0.00 07/07/2022	CEDARWOOD FARMS LLC Owner  PLAR AVE, JERRE M FREEMAN, MEMPHIS, TN, MEMPHIS, TN 38119  ion  Fee Item Quantity Fees Status Balance Date Assessed Unit Non-Residential 1 1,000.00 INVOICED 0.00 07/07/2022  Rezoning - 5 acres or less Non-Residential 45 4,450.00 INVOICED 0.00 07/07/2022 Acres Rezoning - each additional acre or fraction above 5 Credit Card Use Fee 1 141.70 INVOICED 0.00 07/07/2022

Payment Information

Payment Amount Method of Payment \$5,591.70 Credit Card

Data Fields

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#### LETTER OF INTENT



LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

July 7, 2022

Brett Ragsdale, AIA Zoning Administrator Memphis and Shelby County Division of Planning and Development 125 N. Main Street, Suite 468 Memphis, TN 38103

RE: Rezoning of 5481 Davidson Road

#### Mr. Ragsdale:

On behalf of Scannell Properties, I am pleased to submit the attached application to reclassify a portion of the property at 5481 Davidson Road from the Conservation Agriculture ("CA") zoning district to the Employment ("EMP") zoning district.

The property is bordered on two sides by industrial uses, to its north and its east. In addition, it is bordered on the west side by land owned by the Memphis, Light, Gas and Water Division adjacent to, and likely the expansion area for, its Capleville Liquified Gas Facility. The Memphis 3.0 General Plan identifies the future land use for the subject site as industrial (see Exhibits A & B, attached). We are pleased that the proposal to rezone the property to the EMP zoning district is consistent with the Memphis 3.0 General Plan.

Along the southern boundary of the property are several homes located in unincorporated Shelby County that face North Cedar Ridge Road. Our rezoning proposal involves a 57-foot setback from the rear property lines of these homes by leaving this area within the CA zoning district. This will result in a strip 57 feet in width that will have no buildings, drive aisles or any other accessory EMP uses adjacent to the residences along North Cedar Ridge Road.

The northern 50 feet of our proposed 57-foot buffer will be part of a 100-foot Tennessee Valley Authority (TVA) easement; the southern 7 feet will involve a landscaped buffer. To memorialize this 57-foot buffer, we will submit an application for an administrative deviation with the Division of Planning and Development pursuant to Section 4.6.5M of the Memphis and Shelby County Unified Development Code (the "UDC"), given the presence of the adjacent 100-foot utility easement. We believe the administrative deviation process gives us an opportunity to ensure a buffer that exceeds the requirements of the UDC that is not typically available during the rezoning process.

I appreciate your and the Land Use Control Board's consideration on this matter.

Sincerely,

Josh Whitehead

July 7, 2022 Page 2

#### EXHIBITS A & B



This screenshot of the subject property, identified here with a yellow star, shows its classification in the Memphis 3.0 Future Land Use and Planning Map as "Industrial," the most intense of the three employment future land uses identified in the Plan. Source: Shelby County GIS/Memphis and Shelby County Division of Planning and Development



This is a zoomed-out screenshot of the Memphis 3.0 Future Land Use and Planning Map showing the subject site's relationship within the greater Lamar industrial corridor. Source: Shelby County GIS/Memphis and Shelby County Division of Planning and Development

# **SIGN AFFIDAVIT**

# AFFIDAVIT

Shelby County	
State of Tennessee	
on the 31st day of July 202	n, depose and say that at 7:15 ampm
on the 31- day of Jay , 202	22, I posted/_ Public Notice Sign(s)
pertaining to Case No. T 2205 at The	e thorang of ceramons on the west
providing notice of a Public Hearing before the (	(check one): side of Davidson Red
Land Use Control Board	
Board of Adjustment	
Memphis City Council	
Shelby County Board of Commissioners	
for consideration of a proposed land use acti	ion, a photograph of said sign(s) being
attached hereon and a copy of the sign purch	hase receipt or rental contract attached
hereto.	And the second s
0 1/1/	7 1 0 - 0
Chroce	8-1-5055
Owner, Applicant or Representative	Date
Subscribed and sworn to before me this	day of August, 2022
asher	
Notary Public	WHITEY M. BURSHIN
21 12	S STATE
My commission expires: 2 2 2	OF
The state of the s	TENNESSEE NOTARY
	PUBLIC PUBLIC
	The Day of the State of the Sta



# **LETTERS RECEIVED**

No letters received at the time of completion of this report.



City Hall - 125 N. Main Street, Suite 468 - Memphis, Tennessee 38103 - (901) 636-6619

August 12, 2022

Tom McCrary – Scannell Properties

Sent via electronic mail to: tomm@scannellproperties.com

Case Number: Z 2022-005

LUCB Recommendation: Approval

Dear applicant,

On Thursday, August 11, 2022, the Memphis and Shelby County Land Use Control Board recommended *approval* of your rezoning application located at 5481 Davidson Road to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at <a href="mailto:lucas.skinner@memphistn.gov">lucas.skinner@memphistn.gov</a>.

Respectfully,

Lucas Skinner

Municipal Planner

Lucas Shi

Land Use and Development Services

Division of Planning and Development

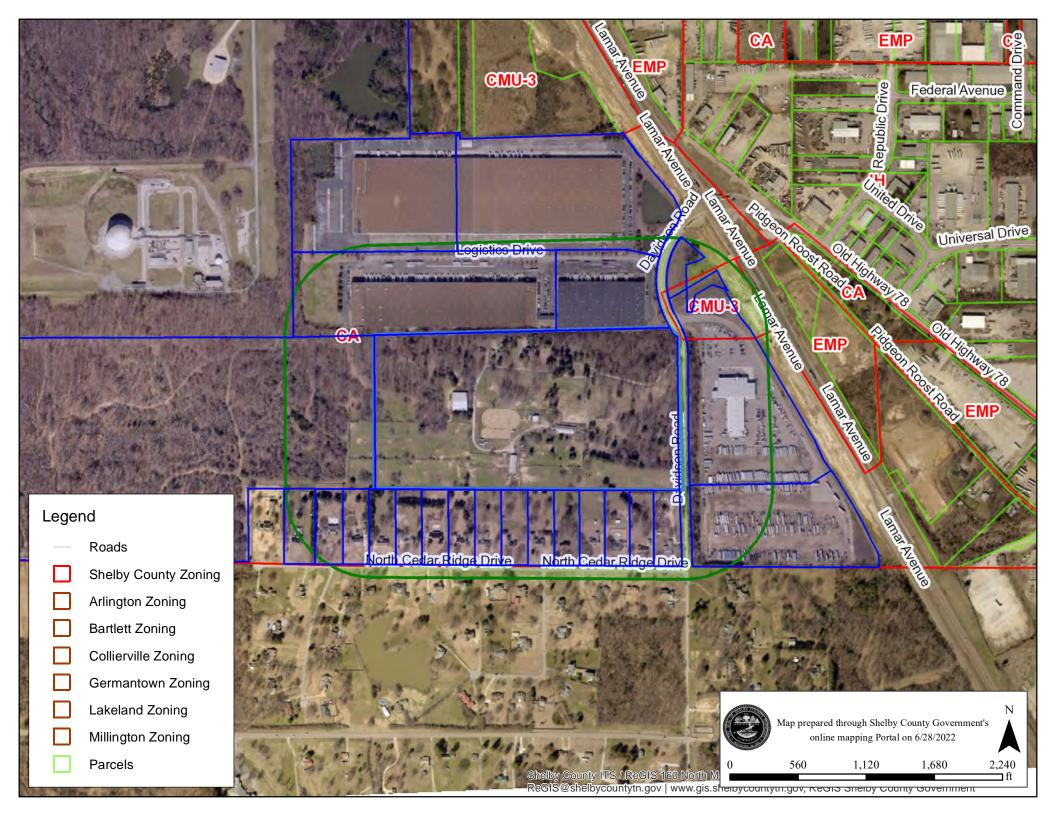
# Letter to Applicant Z 2022-005

Cc: Josh Whitehead – Burch Porter Johnson File

# NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE ZONING MAP OF THE CITY OF MEMPHIS

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Cou	ncil
Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, October	· 11,
2022 at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Art	ticle
IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:	

CASE NUMBER:	Z 2022-005					
LOCATION:	5481 Davidson Road					
COUNCIL DISTRICTS:	District 3 and Super District 8 – Positions 1, 2, and 3					
OWNER/APPLICANT:	Cedarwoods Farms LLC./ Tom McCrary – Scannell Properties					
REPRESENTATIVE:	Josh Whitehead – Burch Porter Johnson					
REQUEST:	Rezoning of +/-52.46 acres from Conservation Agriculture (CA) to Employmen (EMP)					
RECOMMENDATIONS:						
Memphis and Shelby County	y Division of Planning and Development: Approval					
Memphis and Shelby County	y Land Use Control Board: Approval					
such remonstrance's or prote you will be present if you will This case will also be heard	nessee 38103 to hear remonstrance's or protests against the making of such changes ests must be by personal appearances, or by attorneys, or by petition, and then and there ish to remonstrate or protest against the same.  I at the Planning and Zoning Committee on the same day with the specific time to be ing date and posted on the City of Memphis' website.					
THIS THE <u>A</u>	ugust 31 , 2022					
ATTEST:	MARTAVIUS JONES CHAIRMAN OF COUNCIL					
DYWUANA MORRIS CITY COMPTROLLER						
TO BE PUBLISHED:						



MORTON CARL M AND KAREN D MORTON BOMAR JOHN T AND PEGGY S BOMAR CROW WILLIAM B & PAULA F 5216 N CEDAR RIDGE DR # 5200 N CEDAR RIDGE DR # 5500 DAVIDSON RD # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38118 CIANCIOLO JOHN T & KAREN PHILLIPS CHRISTOPHER A CROW WILLIAM B & PAULA F 5250 N CEDAR RIDGE DR # 5232 N CEDAR RIDGE DR # 5500 DAVIDSON RD # MEMPHIS TN 38118 MEMPHIS TN 38118 MEMPHIS TN 38118 HOOD WILTON T SR BENSON PAUL W AND BETTY L BENSON EXETER DAVIDSON LAND LLC 5316 N CEDAR RIDGE DR # 5266 N CEDAR RIDGE DR # 101 W ELM ST #600 MEMPHIS TN 38118 MEMPHIS TN 38118 CONSHOHOCKEN PA 19428 WILHEIM SHELBY J WRIGHT BILLY R EXETER 5295 LOGISTICS LLC 101 W ELM ST #600 5330 N CEDAR RIDGE DR # 5282 N CEDAR RIDGE DR # MEMPHIS TN 38118 MEMPHIS TN 38118 CONSHOHOCKEN PA 19428 MEMPHIS INDUSTRIAL PARK INVESTORS INC. CARLOCK ROBERT T & SANDRA R **EXETER 5295 LOGISTICS LLC** PO BOX 1368 # 5300 N CEDAR RIDGE DR # 101 W ELM ST #600 CARLSBAD CA 92018 MEMPHIS TN 38118 CONSHOHOCKEN PA 19428 MEMPHIS LIGHT GAS AND WATER DIVISION WOODS RONNIE D ECONOMIC DEVELOPMENT GROWTH ENGINE 200 N MAIN ST # 5346 CEDAR RIDGE RD # 100 PEABODY PL #1100 MEMPHIS TN 38103 MEMPHIS TN 38118 MEMPHIS TN 38103 CEDARWOOD FARMS LLC MORTON JAMES N & KATIE S 6485 POPLAR AVE # 5360 N CEDAR RIDGE DR # MEMPHIS TN 38119 MEMPHIS TN 38118 SPRAYBERRY ROBERT A & GLORIA J COX Y C JR & LINDA F 5146 N CEDAR RIDGE DR # 5376 N CEDAR RIDGE DR # MEMPHIS TN 38118 MEMPHIS TN 38118 DAVIS MICHAEL D & CHERIE M ALLEN DAVID S

STAGGS JOHN M 5184 N CEDAR RIDGE DR # MEMPHIS TN 38118

5166 CEDAR RIDGE DR #

MEMPHIS TN 38118

MEMPHIS CITY OF FOR MEMPHIS L G & W DIV 125 N MAIN ST # MEMPHIS TN 38103

5500 DAVIDSON RD #

MEMPHIS TN 38118